



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Addenda

Date: Wednesday, May 14, 2025
Time: 9:00 am
Location: Hybrid Model - In-person and Remote

Directors will have the opportunity to participate in the meeting electronically. Proceedings are open to the public.

Pages

1. ZOOM REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote (hybrid model).

Meeting Time:

9:00 a.m. PST

Join by Video:

<https://rdck-bc-ca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1>

Join by Phone:

833 955 1088 Canada Toll-free

*6 to unmute or mute

*9 to raise or lower your hand

Meeting ID: 979 1867 5110

Meeting Password: 527524

In-Person Location: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC

2. CALL TO ORDER

Chair Jackman called the meeting to order at ____ a.m.

RECOMMENDATION:

That Director(s) _____ have freedom of the floor.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

RECOMMENDATION:

The agenda for the May 14, 2025 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

The April 16, 2025 Rural Affairs Committee meeting minutes, have been received.

6 - 12

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 DEVELOPMENT VARIANCE PERMIT - JOHNSON

File No.: V2416C - JOHNSON

2505 Goat River South Road

(Marcie and Daniel Johnson)

Electoral Area C

13 - 38

The Committee Report dated April 28, 2025 from Sadie Chezenko, Planner, re: Development Variance Permit - Johnson, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16, DISTRICT LOT 491, KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(4) of *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317* to allow there shall be no maximum Farm Residential Footprint size for this property only.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16, DISTRICT LOT 491, KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(5) of *Electoral Area 'C' Comprehensive Land Use Bylaw*

No. 2317 to allow there shall be no maximum Farm Residential Footprint depth for this property only.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16, DISTRICT LOT 491, KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(6) of *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317* to allow a maximum Gross Floor Area of the Single Detached Housing to be 319.0 square metres on this lot only.

7.2 NON FARM USE IN THE AGRICULTURAL LAND RESERVE - MARAR ORCHARDS LTD
File No.: A2505B – MARAR ORCHARDS LTD
3409 Highway 3
(Marar Orchards LTD.)
Electoral Area B

39 - 65

The Committee Report dated April 24, 2025 from Sadie Chezenko, Planner, re: Non-Farm Use in the Agricultural Land Reserve - Marar Orchards LTD., has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board SUPPORT application A2505B for the purposes of a Non-Farm Use in the Agricultural Land Reserve (ALR) proposed by Marar Orchards LTD., INC.NO. BC1031504 for the property located at 3409 Highway 3, Electoral Area B, and legally described as LOT G, DISTRICT LOT 812, KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409 (PID: 015-973-816);

And that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

7.3 LAND USE BYLAW AMENDMENT - MAKI
File No.: Z2501F - MAKI
6102 Wills Road
(Judine and Wendell Maki)
Electoral Area F

66 - 95

The Committee Report dated April 29, 2025 from Sadie Chezenko, Planner, re: Land Use Bylaw Amendment, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No.*

3028, 2025 being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST, SECOND and THIRD reading by content;

And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025* until the following item has been obtained:

- Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the *Transportation Act (Controlled Access)*.

7.4 FORESTRY REFERRAL - BC TIMBER SALES

96 - 133

File No.: 09\4340\30\2025\R2518GJK-BCTS-FR000121

Electoral Areas G, J & K

The Committee Report dated April 30, 2025 from Rishab Gaba, Planner, re: Forestry Referral, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board direct staff to respond to BC Timber Sales regarding the BC Timber Sales Operating Plan 26, which includes timber harvesting and road construction plans in the Kootenay Lake Timber Sales Area, as described in the R2518GJK Forestry Referral – Rural Affairs Committee report dated April 30, 2025 and including comments from the Rural Affairs Committee from its meeting on May 14, 2025.

7.5 **FOR INFORMATION: PLANNING SERVICES WORKPLAN REVIEW UPDATE** All Electoral Areas

134 - 180

Rural Affairs Committee

Referred to the April 16, 2025 to May 14, 2025 for further discussion

At the April 17, 2025 Board meeting, the following resolution was passed:

245/25 That the Board consider using Local Government Climate Action Program (LGCAP) funding to support mandated land use planning.

The Committee Report dated April 16, 2025 from Nelson Wight, Planning Manager, re: Planning Services Workplan Review Update, has been received.

The presentation from Planning Services, re: Planning Insights, has been received.

The Planning Services Existing Project List and the Official Community Plans Report, have been received.

Note - An updated Planning Services Existing Project List has been added to the addenda.

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 COMMUNITY WORKS FUND APPLICATION – RDCK – ARCHITECTURAL ASSESSMENT

181 - 193

File No.: 1850-20-CW-318

Electoral Areas A, B, C, D, E, F, G, H, I & J

The Committee Report dated April 17,2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - RDCK - Architectural Assessment, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Architectural Assessment in the amount of \$652,400.00 be approved and that funds be disbursed from Community Works Funds allocated from Electoral Areas A, B, C, D, E, F, G, H, I and J to the relevant RDCK Fire Service.

10. PUBLIC TIME

The Chair will call for questions from the public and members of the media at _____ a.m.

11. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE MEETING

Open Meeting Minutes

Wednesday, April 16, 2025

9:00 a.m. PST

Hybrid Model - In-person and Remote

RDCK Board Room, 202 Lakeside Dr., Nelson, BC

COMMITTEE MEMBERS

PRESENT

Chair G. Jackman	Electoral Area A – In-person
Director R. Tierney	Electoral Area B – In-person
Director K. Vandenberghe	Electoral Area C – In-person
Director A. Watson	Electoral Area D
Director C. Graham	Electoral Area E
Director T. Newell	Electoral Area F - In-person
Director H. Cunningham	Electoral Area G – In-person
Director W. Popoff	Electoral Area H – In-person
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J – In-person
Director T. Weatherhead	Electoral Area K

STAFF PRESENT

S. Horn	Chief Administrative Officer
S. Sudan	General Manager of Development and Community Sustainability
N. Wight	Planning Manager
S. Chezenko	Planner
U. Wolf	General Manager of Environmental Services
E. Stout	Manager of Building and Bylaw
C. Feeney	Corporate Administrative Assistant - Meeting Coordinator

1. ZOOM REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote (hybrid model).

Join by Video:

[https://rdck-bcca.](https://rdck-bcca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1)

[zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1](https://rdck-bcca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1)

Join by Phone:

833 955 1088 Canada Toll-free

Meeting Number (access code): 979 1867 5110

Meeting Password: 527524

Location:

RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC

2. CALL TO ORDER

Chair Jackman called the meeting to order at 9:00 a.m.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

Moved and seconded,
And resolved:

The agenda for the April 16, 2025 Rural Affairs Committee meeting be adopted as circulated.

Carried

5. RECEIPT OF MINUTES

The March 19, 2025 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

Item 7.1 - Trueman

7. PLANNING & BUILDING

7.1 SUBDIVISION IN THE AGRICULTURAL LAND RESERVE - TRUEMAN

File No.: A2504D-TRUEMAN

1121 and 1125 Press Road

(William and Richard Trueman)

Electoral Area D

The Committee Report dated March 28, 2025 from Sadie Chezenko, Planner, re:
Subdivision in the Agricultural Land Reserve - Trueman, has been received.

Sadie Chezenko, Planner, provided an overview to the Committee regarding the Agricultural Land Commission (ALC) application for a subdivision within the Agricultural Land Reserve (ALR) in Electoral Area D. The parcel is 4.05 ha in size and the owners wish to subdivide it into two lots, approximately 2.75 ha and 1.25 ha in size.

Richard Trueman, property owner, provided background to the Committee and answered questions regarding the application and the property.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board SUPPORT application A2504D for the proposed Subdivision in the Agricultural Land Reserve proposed by William and Richard Trueman for the property located at 1121/1125 Press Road, Electoral Area 'D' and legally described as LOT 26 DISTRICT LOT 8390 KOOTENAY DISTRICT PLAN 920 (PID: 012-226-742).

Carried

7.2 NON FARM USE IN THE AGRICULTURAL LAND RESERVE - COLUMBIA BASIN BROADBAND CORPORATION

File No.: A2503K – COLUMBIA BASIN BROADBAND CORPORATION C/O CHRISTOPHER PITTMAN

**Provincial Crown Land between Worthington Creek FSR and Dority Road
(Provincial Crown Land – Ministry of Water, Land and Resource Stewardship)
Electoral Area K**

The Committee Report dated March 31, 2025 from Sadie Chezenko, Planner, re: Non Farm Use In The Agricultural Land Reserve - Columbia Basin Broadband Corporation, has been received.

Sadie Chezenko, Planner, provided an overview to the Committee regarding the Agricultural Land Commission (ALC) application for a Non-Farm Use within the Agricultural Land Reserve (ALR) on Provincial Crown Land in Electoral Area K. The proposal is to install a telecommunications shelter on the site to allow residents of the area to access high speed internet.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board SUPPORT application A2503K for the purposes of a Non-Farm Use in the ALR proposed by Christopher Pittman on behalf of Columbia Basin Broadband

Corporation for site located between Worthington Creek FSR and Dority Road in Edgewood, Electoral Area K as identified on Attachment C;

And that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Carried

**7.3 FOR INFORMATION: PLANNING SERVICES WORKPLAN REVIEW UPDATE
All Electoral Areas**

The Committee Report dated April 16, 2025 from Nelson Wight, Planning Manager, re: Planning Services Workplan Review Update, has been received.

Nelson Wight, Planning Manager, presented to the Committee regarding the Planning Services workplan, reviewing the near term projects, remaining project items and next steps. The Committee discussed options to improve efficiency of the Planning workplan, including potential approaches to better align Official Community Plans and Bylaws for increased consistency.

Staff answered the Committee's questions.

**RECESS/
RECONVENE**

The meeting recessed at 10:37 a.m and reconvened at 10:45 a.m.

Moved and seconded,
And resolved that it be recommended to the Board:

That the Board consider using Local Government Climate Action Program (LGCAP) funding to support mandated land use planning.

Carried

Moved and seconded,
And resolved:

That the following Item 7.3 For Information: Planning Service Workplan Review Update: All Electoral Areas BE REFERRED to the May 14, 2025 Rural Affairs Committee Meeting for further discussion.

Carried

DIRECTOR ABSENT: Director Newell left the meeting at 11:11 a.m.

**7.2 FOR INFORMATION: PLANNING SERVICES QUARTERLY REPORT
New Applications and Referrals (January-March 2025)**

All Electoral Areas

The Report dated January - March 2025 from the Planning Department, re: Planning Services Quarterly Report, has been received.

8. ENVIRONMENTAL SERVICES

No items.

DIRECTOR ABSENT: Director Watson left the meeting at 11:32 a.m. due to power outage

DIRECTOR PRESENT: Director Watson joined the meeting at 11:36 a.m.

9. RURAL ADMINISTRATION**9.1 COMMUNITY WORKS FUND APPLICATION – RDCK – WOODBURY FIRE HYDRANT AND GENERATOR INSTALLATION**

File No.: 1850-20-CW-316

Electoral Area D

The Committee Report dated April 1, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - RDCK - Woodbury Fire Hydrant and Generator Installation, has been received.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Woodbury Fire Hydrant and Generator Installation in the amount of \$85,400.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area D to Service S259 – Water Utility - Woodbury.

Carried

9.2 COMMUNITY WORKS FUND APPLICATION – RDCK – BALFOUR FIRE HALL STAND-BY GENERATOR PROJECT

File No.: 1850-20-CW-315

Electoral Area E

The Committee Report dated March 14, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - RDCK - Balfour Fire Hall Stand-By Generator project, has been received.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Balfour Fire Hall Stand-By Generator in the amount of \$15,000.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area E to Service S141 Balfour/Harrop Fire Protection.

Carried

9.3 COMMUNITY WORKS FUND APPLICATION – RDCK – DUHAMEL WATER SYSTEM – WELL PUMP REPLACEMENT

File No.: 1850-20-CW-317

Electoral Area F

The Committee Report dated April 3, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - RDCK - Duhamel Water System – Well Pump Replacement, has been received.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Duhamel Water System – Well Pump Replacement in the amount of \$50,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area F, and further that the Board of Directors approve an amendment to the 2025 Financial Plan for Water Utility –Area F (Duhamel) Service S248 to INCREASE the following line items:

- Community Works Grants by \$50,000,
- Transfer from Reserves by \$40,000,
- Transfer to Other Services by \$5,000,
- Capital expenses by \$85,000.

Carried

10. PUBLIC TIME

The Chair called for questions from the public and members of the media at 11:36 a.m.

No media or public had question.

12. ADJOURNMENT

Moved and seconded,

And resolved:

The meeting be adjourned at 11:37 a.m.

Carried

Digitally Approved By

Chair Jackman, Chair



Committee Report

Date of Report: April 28, 2025
Date & Type of Meeting: May 14, 2025, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2416C - JOHNSON
Electoral Area/Municipality C

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) application that seeks to vary Sections 25(4), 25(5) and 25(6) of the Agriculture 2 (AG2) zone in Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 as follows:

- Section 25(4): There shall be no maximum Farm Residential Footprint size
- Section 25(5): There shall be no maximum Farm Residential Footprint depth
- Section 25(6): The Maximum Gross Floor Area (GFA) of the Single Detached Housing is 319.0 square metres

The regulations noted above are generally intended to protect farmland. Due to several factors, the agricultural potential in this case is constrained to an extent that makes those regulations irrelevant. Consequently, Staff recommend that the Board approve all of the variances requested in this application.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Marcie and Daniel Johnson
Property Location: 2505 Goat River South Road, Creston, Electoral Area 'C'
Legal Description: LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569)
Property Size: 4.98 ha (12.31 ac)
Current Zoning: Agriculture 2 (AG2) in Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013
Current Official Community Plan Designation: Agriculture (AG) in Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013

Site Context

The subject property is the second to last property located along Goat River South Road, approximately 1.5km south of the Town of Creston. The property is located within the Agricultural Land Reserve (ALR) and is zoned Agriculture 2 (AG2). The size of the property is 4.98 ha with the Goat River bordering the property at the southern lot line as shown in Figure 1. The subject property gently slopes south, and there is a steep slope directly to the north of the property across the road which is shown in Figure 8. The lands are also located entirely within an E-rated Non-Standard Flood and Erosion Area (NSFEA) associated with the Goat River as

shown in Figure 4. Potential hazards that could impact the property include steep slopes, landslides, clearwater flooding and erosion/channel migration associated with the Goat River.

Until 2019, the subject property was zoned Quarry (Q) and was historically used for the purposes of a concrete batch plant that was active until the mid-2000s. The current property owners purchased the property in 2006. According to a previous Land use bylaw amendment application, the current owners had intended to use the property as a recycle collection facility and transfer station but revised their plans to rezone to Agriculture 2 (AG2) for the purposes of maintaining the principal use of the property for residential purposes. See excerpt from the Board Report for Land use bylaw amendment Application Z1804C:

The applicant made previous application for a land use amendment to the Medium Industrial (M2) zone for the purposes of a recycle collection facility and transfer station, including the storage and maintenance of trucks, equipment, garbage bins and roll-off containers which was unsuccessful. The applicant has scaled back the business activity on site to that of the repair and maintenance of the trucks and equipment used in his recycling and garbage pick up business that has since been re-located off-site in alignment with home-based business regulations.

In July 2019, the RDCK Board adopted the land use bylaw amendment, and the property was rezoned from Quarry (Q) to Agriculture 2 (AG2).

Improvements on the property include a residence, septic system, and multiple accessory buildings including a barn, two sheds, two storage sheds, a shop and a chicken coop. The property also had a skate shack, and a skating rink as can be seen in the aerial imagery which have been removed. The property is used for residential purposes and the owner indicated that the current business use on the site is in accordance with the home based business regulations and that the Tip-It Waste Solutions business is operated on another property at 436 Davis Road. There is no agricultural activity on the property.

The surrounding area is primarily zoned Agriculture 2 (AG2) and is mostly within the ALR. Only the properties to the south are used for agricultural purposes. The properties to the north, west and east are either vacant or used for residential purposes. The Canadian Pacific Railway runs to the north of the neighbouring parcel at the top of the slope across Goat River South Road. Figures 2 and 3 show the zoning and ALR context respectively.

SURROUNDING LAND USES

North: Agriculture 2 (AG2) zoned properties within the ALR which are primarily used for residential purposes

East: Agriculture 2 (AG2) zoned properties within the ALR which are that are currently vacant

South: Goat River borders the property. Privately held properties across the Goat River are zoned Agriculture 2 (AG2) and are partially within the ALR and are currently used for agricultural purposes. There is also Crown Land across the Goat River which is zoned Agriculture 2 (AG2) and is partially within the ALR.

West: Agriculture 2 (AG2) zoned property within the ALR which is currently used for residential purposes



Figure 1: Location Map

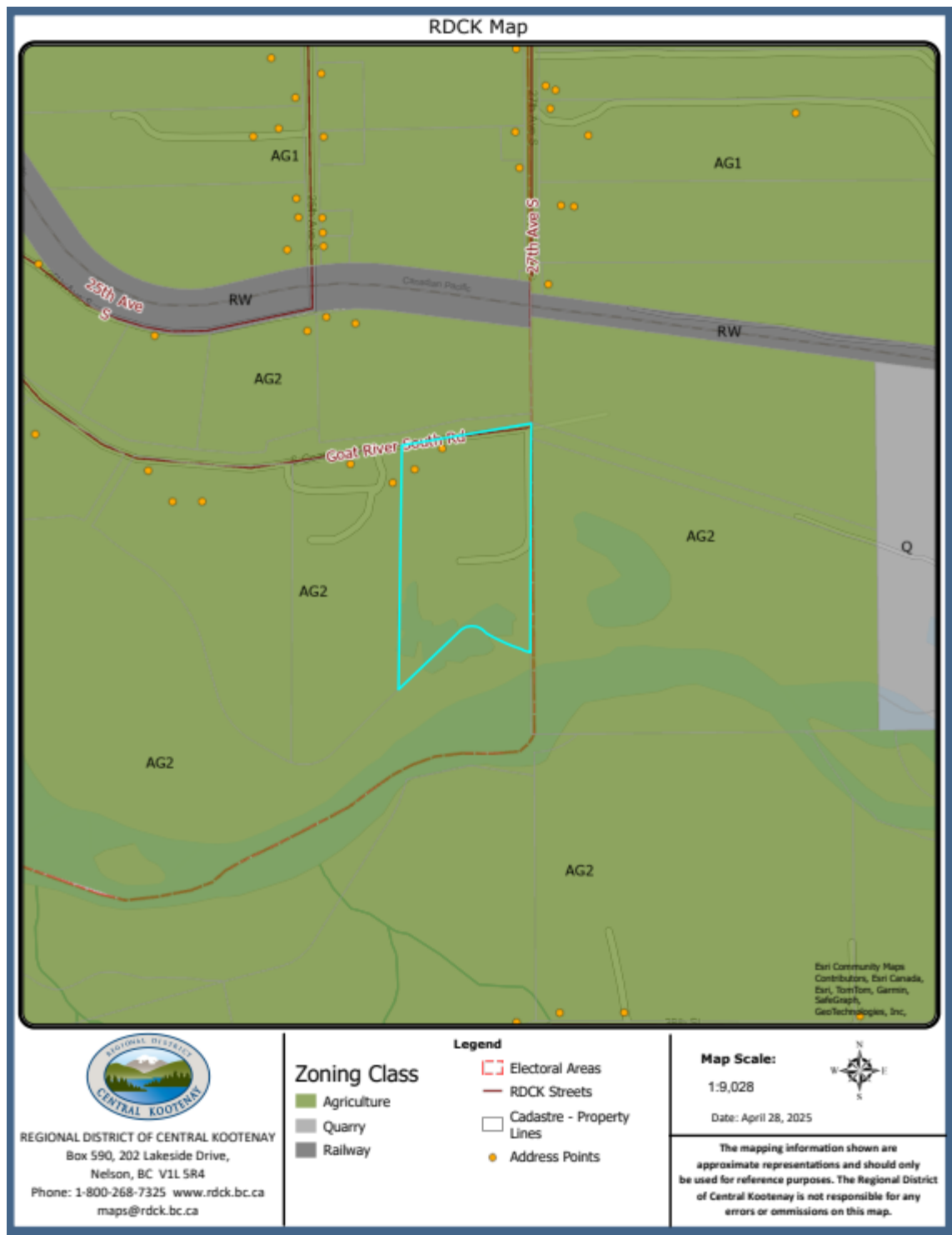
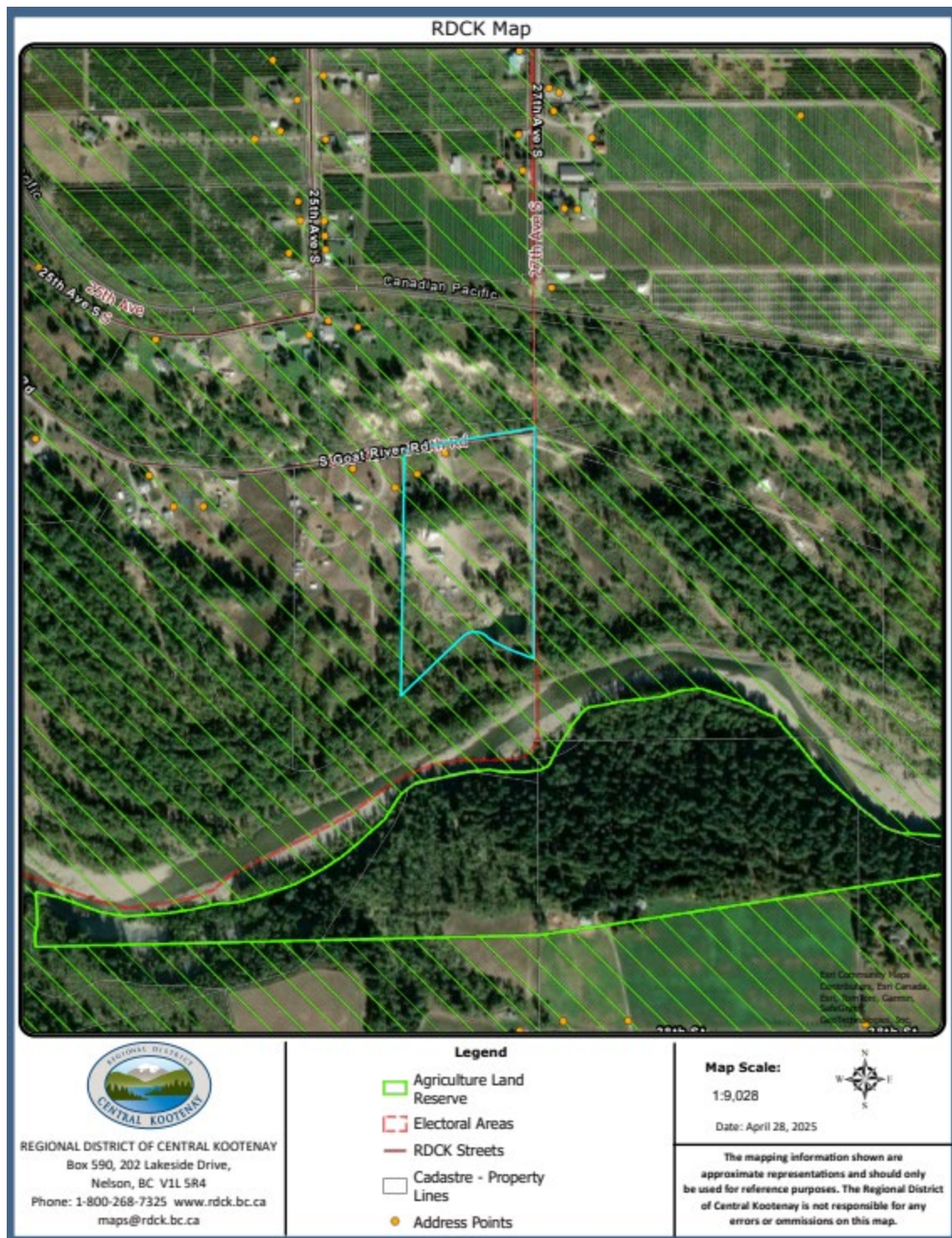


Figure 2: Zoning Map



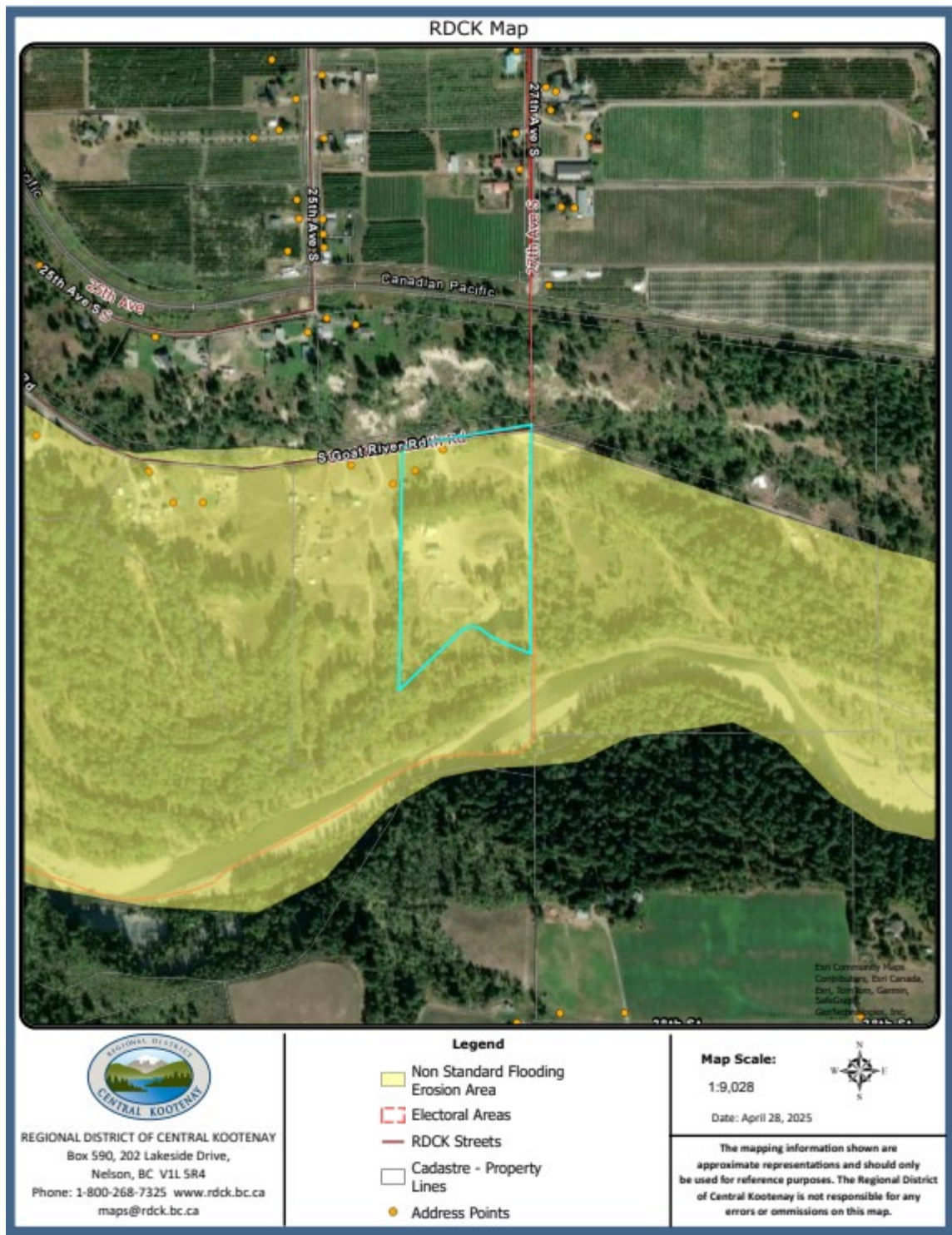


Figure 4: Non-Standard Flood and Erosion Area Map

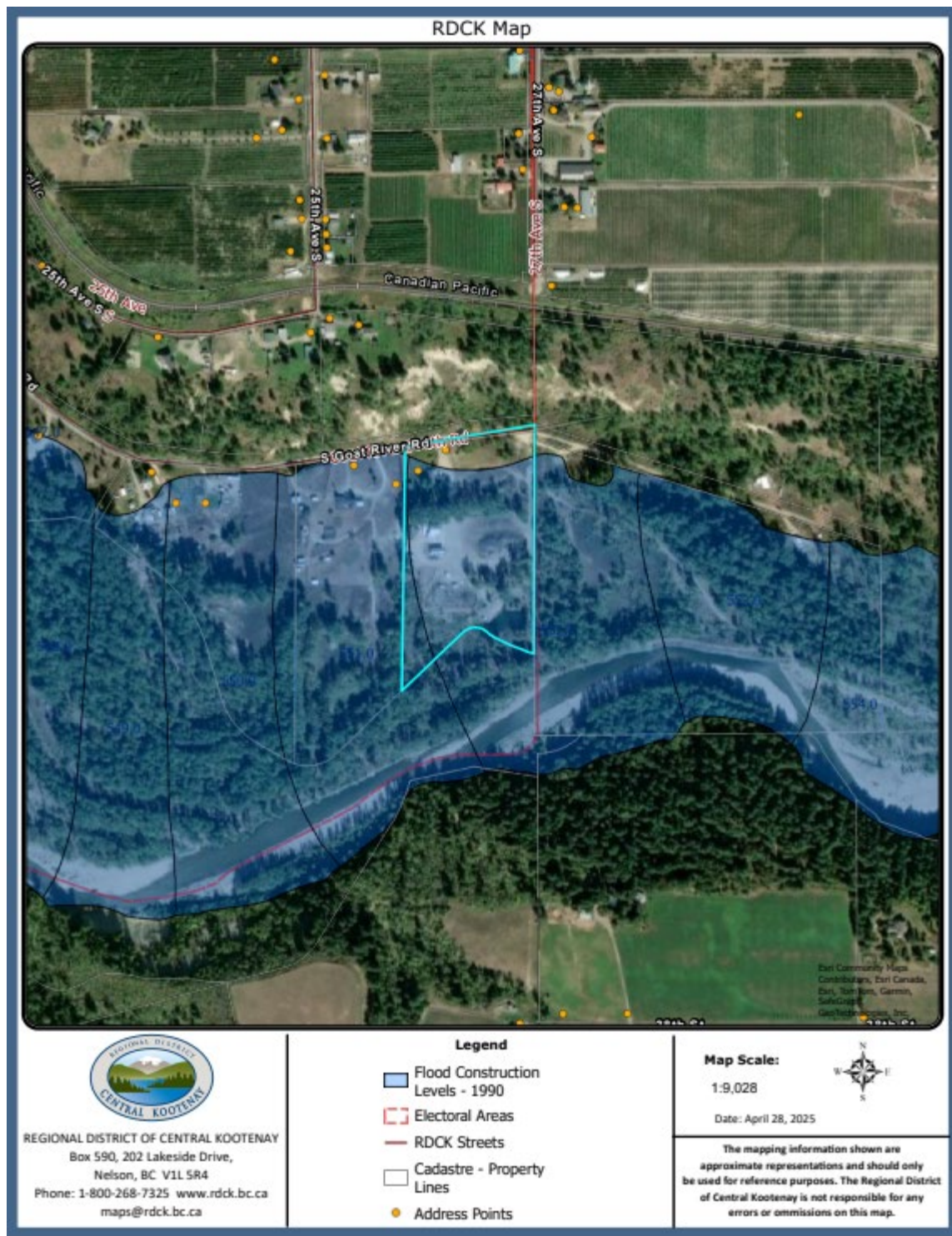


Figure 5: Flood Construction Levels Map

Development Proposal

As noted earlier in this report, the subject property is primarily used for residential purposes and has been improved with a residence, septic system, and multiple accessory buildings including a barn, two sheds, two storage sheds, a shop and a chicken coop. The owners are proposing to build a new 319m² residence on the property in the northeast portion of the lot. The site plan showing the existing and proposed structures is below in Figure 6. Figure 7 shows the proposed building site. The new residence is proposed to replace the existing residence, and the existing residence will be removed once the proposed residence has been constructed. There will only be one dwelling on the lot once complete.

The proposal is not consistent with the Agriculture 2 (AG2) zoning requirements regarding the maximum size of residences and the farm residential footprint regulations. As such, this Development Variance Permit (DVP) seeks to vary Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 as follows:

1. Section 25(4): There shall be no maximum Farm Residential Footprint size for this property only.
2. Section 25(5): There shall be no maximum Farm Residential Footprint depth for this property only.
3. Section 25(6): The Maximum Gross Floor Area of the Single Detached Housing is increased from 300 square meters to 319.0 square metres for this property only.

The owner's rationale for the siting of the residence comes from the potential hazards that could impact the property including steep slopes, landslides, clearwater flooding and erosion/channel migration associated with the Goat River. The owner has also submitted a Geohazard Assessment Report from a professional engineer which states that the proposed build site is safe for residential use. The owner has stated that the size variance is being requested to accommodate his family of six.



Figure 6: Site Plan



Figure 7: Proposed Residence Site



Figure 8: Steep Slope to North of Property Across the Road

Land Use Considerations

Official Community Plan (OCP)

The OCP land use designation for this property is Agriculture (AG) in Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013. The OCP states that lands designated as Agriculture include areas within the ALR and additional lands with the identified potential for agricultural activity. One of the relevant objectives of the Agriculture designation is to preserve and promote the use of agricultural land for current and future agricultural

production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area. In addition, the OCP supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.

Zoning Bylaw

The subject property is zoned Agriculture (AG2) in Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013. The current development regulations within the AG2 zone and proposed variances to those zoning regulations are shown in the table below.

Existing relevant Development Regulations within the Agriculture 2 (AG2) zone	Relevant proposed Development Regulations within the Agriculture 2 (AG2) zone
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit. 5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line. 6. The Maximum Gross Floor Area of the Single Detached Housing is 300.0 square metres.	4. There shall be no maximum Farm Residential Footprint size for this property only. 5. There shall be no maximum Farm Residential Footprint depth for this property only. 6. The Maximum Gross Floor Area of the Single Detached Housing is 319.0 square metres.

Relevant definitions from the zoning bylaw:

FARM RESIDENTIAL FOOTPRINT means the portion of a lot that includes dwelling units and accessory residential buildings, structures or improvements such as detached garages or carports, driveways to residences, seasonal campsites, decorative landscaping, residential-related workshop, tool and storage sheds, artificial ponds not serving farm drainage, irrigation needs or aquaculture use and residential-related recreation areas such as swimming pools and tennis courts;

GROSS FLOOR AREA (G.F.A.) means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports, and unenclosed porches, balconies and terraces.

Agricultural Capability Rating

In BC agricultural capability ratings and limitations are assessed through a classification system known as the "Land Capability Classification for Agriculture in British Columbia." The classification system describes seven land capability classes for agriculture (Classes 1 to 7). The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.

Most of the subject property has an agricultural capability rating of Class 4 (60%) and Class 7 (40%) with the limitations being inundation and excess water. A small portion of the subject property along the northern boundary by the road has an agricultural capability rating of Class 1 (70%) and Class 2 (30%) with the limitation being topography. The proposed location of the residence is within the Class 4/7 area.

Class 1 lands either have no or only very slight limitations that restrict its use for the production of common agricultural crops. Class 2 lands have minor limitations that require good ongoing management practises or slightly restrict the range of crops, or both. Class 4 lands have limitations that require specifical management practices or severely restrict the range of crops, or both. Finally, Class 7 lands have no capability for arable or sustained natural grazing.



Figure 9: Agricultural Capability

Soil Type

The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The site is composed of soils from the Avis Soil Association. Avis soils are described in this document as "widely variable in texture, stoniness and wetness. Most non-flooding, stone-free map units are very suitable for agricultural production. The region has a shortage of good agricultural land making these soils valuable for agricultural use."

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: ☐ Yes ☒ No Financial Plan Amendment: ☐ Yes ☒ No
Debt Bylaw Required: ☐ Yes ☒ No Public/Gov't Approvals Required: ☐ Yes ☒ No

The applicant has paid the \$500 RDCK Application Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

An application to the Agricultural Land Commission (ALC) is not required for this proposal.

3.3 Environmental Considerations

None anticipated. The siting of the residence proposed in an existing cleared area so no trees or vegetation will need to be removed.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

Public and Neighbour Notice

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed on the subject property. Notice of this proposal was sent via mail to owners and tenants of all parcels within 100 meters of the subject property. The proposal and relevant information was also posted to the RDCK Active Applications page where all current planning applications are made available to the public. To date, no responses to these notices have been received.

Agency Referral Responses

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, planning staff referred the application to all applicable Regional District departments, commissions, government ministries and agencies for a period of thirty (30) days. Brief responses are included below. Longer responses are attached to this report as Attachment A.

Area C Advisory Planning and Heritage Commission

That the Area C Advisory Planning Commission SUPPORT the Development Variance Permit Application to Marcie and Daniel Johnson for the property located at 2505 Goat River South Road, Creston, Electoral Area 'C' and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NP1456.

BC Hydro

BC Hydro does not service the Creston/Erickson Area. Please reach out to Fortis BC for information.

Creston Valley Agricultural Advisory Commission

That the Creston Valley Agricultural Advisory Commission SUPPORT the Development Variance Permit Application to Marcie and Daniel Johnson for the property at 2505 Goat River South Road, Creston, Electoral Area 'C' and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NP1456.

Ministry of Water, Land and Resource Stewardship – Crown Land Authorizations

On behalf of Crown Land Authorizations, no comments for the above noted proposal.

Ministry of Transportation and Transit

Thank you for providing MoTT the opportunity to comment on this referral. MoTT has no concerns with the proposed re-zoning. If the property is subdivided in the future MoTT may require the portion of South Goat River Road that encroaches on the property to be dedicated as road.

3.7 Staffing/Departmental Workplace Considerations:

Staff reviewed the application in accordance with the Land Use Amendments Procedures within Schedule 'E' of the *Planning Procedures and Fees Bylaw No. 2547, 2015*.

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: SUMMARY

Planning Discussion

According to the RDCK Agricultural Area Plan, only 2.5% of the RDCK's land base is suitable for agriculture. To protect agricultural land, the RDCK updated its policies and regulations following the 2022 Agriculture Policy Review, which included input from farmers, experts and the public. As a result, agricultural zoning regulations in Electoral Area 'C' now limit the size and depth of farm residential footprints (FRF) as well as the size of residences.

The purpose of the FRF regulations is to require the clustering of non-agricultural development near the front property, with the aim of preserving the largest possible area for agricultural use. The purpose of limiting the size of residences is to help keep the value of the property lower, thereby making properties more affordable for farmers and more likely to be farmed. With limited or no local government bylaw regulation on residence size and placement, residences in the ALR might be built in a way that has long-term negative impacts on the agricultural potential of the specific lot and the surrounding lots.

However, there are cases where applying the regulations uniformly may not be appropriate due to site-specific conditions. In this instance, the following characteristics merit consideration:

- **Hazards:** The property is affected by potential hazards, including steep slopes, landslides, clearwater flooding, and erosion/channel migration from the Goat River. Buildable areas are limited by landslide risk to the north and the Goat River floodplain to the south. Despite these constraints, a professional engineer has confirmed in a Geohazard Assessment Report that the proposed building site is safe for residential use.
- **Historical Land Use:** The parcel was previously used as a concrete batch plant, which may have reduced its agricultural capability. During a site visit, staff observed that much of the parcel is covered with compact gravel.
- **Existing Development:** The site has already been significantly developed, with structures dispersed across the parcel as shown in the site plan. There would be no way to encompass the existing development and proposed development within the required 2500m² FRF area or within the 60m FRF setback.

Given these conditions, enforcing the maximum residence size and FRF regulations would create an impediment to reasonable development. These regulations are generally intended to protect farmland and they are less relevant in this case due to the diminished agricultural potential of this parcel.

Based on the above, staff recommend that the Board approve the issuance of the Development Variance Permit application.

Options

Option 1 – Approve

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(4) of Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317 to allow there shall be no maximum Farm Residential Footprint size for this property only.

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(5) of Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317 to allow there shall be no maximum Farm Residential Footprint depth for this property only.

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(6) of Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317 to allow a maximum Gross Floor Area of the Single Detached Housing to be 319.0 square metres on this lot only.

Option 2 – Not Approve

That the Board NOT APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(4) of Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317 to allow there shall be no maximum Farm Residential Footprint size for this property only.

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SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of the Development Variance Permit to Marcie and Daniel Johnson for the property located 2505 Goat River South Road, Electoral Area C, and legally described as LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456 (PID: 012-986-569) to vary Section 25(4) of Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317 to allow there shall be no maximum Farm Residential Footprint size for this property only.

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Respectfully submitted,
Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Approved**

Sangita Sudan - General Manager of Development and Community

Approved

Sustainability Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Referral Responses

Attachment B – Draft Development Variance Permit



July 5, 2023

Greetings,

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.
2. Changes in and about a “stream” [as defined in the [Water Sustainability Act](#) (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the [Water Sustainability Regulation](#). Authorized changes must also be compliant with the [Kootenay-Boundary Terms and Conditions and Timing Windows](#) documents. Applications to conduct works in and about streams can be submitted through [FrontCounter BC](#).
3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the [Riparian Areas Protection Regulation](#) (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of [RAPR](#) are required to ensure that all development is compliant with RAPR.
4. The federal [Species at Risk Act](#) (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are

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adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to [Resource Inventory Standard Committee](#) (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific [Recovery Strategy or Management Plan](#) documents, and to ensure proposed activities will not adversely affect SEAR or their [Critical Habitat for Federally-listed Species at Risk \(Posted\)](#).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: [Natural Resource Best Management Practices - Province of British Columbia \(gov.bc.ca\)](#) and [Develop with Care 2014 - Province of British Columbia](#).
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial [Wildlife Act](#) and the federal [Migratory Birds Convention Act](#). Guidelines to avoid harm to migratory birds can be found at: [Guidelines to avoid harm to migratory birds - Canada.ca](#). If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

Bird Species	Least Risk Timing Windows
Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30
Hérons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

7. The introduction and spread of invasive species is a concern with all developments. The provincial [Weed Control Act](#) requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: [Invasive species - Province of British Columbia](#). The [Invasive Species Council of BC](#)

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provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

8. Section 33.1 of the provincial [Wildlife Act](#) prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.
9. If this referral is in relation to a potential environmental violation it should be reported online at [Report All Poachers & Polluters](#) (RAPP) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Kind Regards,



Shannon White, RPBio
Ecosystems Section Head - Kootenay-Boundary Region
 Ministry of Water, Land & Resource Stewardship
 [REDACTED]

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From: [REDACTED]
To: [Planning](#)
Subject: Goat River South Rd, 2505, Creston RDCK (V2416C)
Date: Friday, March 28, 2025 5:17:12 PM
Attachments: [image001.png](#)

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

With respect to the above noted file,

Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution facilities along Goat River Road at the northwest corner of the subject property.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

If you have any questions or comments, please contact us at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd



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Development Variance Permit

V2416C (Johnson)

Date: May 15, 2025

Issued pursuant to Section 498 of the *Local Government Act*

TO: Marcie and Daniel Johnson

ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1' and '2':

Address: 2505 Goat River South Road, Creston, Electoral Area 'C'
 Legal: LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456
 PID: 012-986-569

CONDITIONS

5. Development Variance

Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013, Section 25(4), 25(5) and 25(6) are varied as follows:

Section 25(4)

From: The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit

To: There shall be no maximum Farm Residential Footprint size for this property only

Section 25(5)

From: The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line

To: There shall be no maximum Farm Residential Footprint depth for this property only

Section 25(6)

From: The Maximum Gross Floor Area of the Single Detached Housing is 300.0 square metres

To: The Maximum Gross Floor Area of the Single Detached Housing is increased from 300 square meters to 319.0 square metres for this property only

as shown on Schedule '1' and '2.'

6. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

7. Other

Authorized resolution **[enter resolution number]** passed by the RDCK Board on the 15 day of May, 2025.

The Corporate Seal of
THE REGIONAL DISTRICT OF CENTRAL KOOTENAY
was hereunto affixed in the presence of:

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan





Committee Report

Date of Report: April 24, 2025
Date & Type of Meeting: May 14, 2025 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: NON FARM USE IN THE AGRICULTURAL LAND RESERVE
File: A2505B – MARAR ORCHARDS LTD
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of an Agricultural Land Commission (ALC) application for a Non-Farm Use within the Agricultural Land Reserve (ALR) for the property located at 3409 Highway 3, Erickson in Electoral Area 'B'.

The subject property is a tree fruit orchard and is classified as a farm by BC Assessment. The owners are proposing to add a café on the property within an existing fruit stand to facilitate the production and sale of prepared meals, snacks and beverages to "uplift the revenue of the farm." The owners note that 80% of the products used in production will be produced on the subject property or on their other nearby farms.

Given that this proposal will support established farmers, benefit agriculture, contribute to food security and offer a public benefit by providing local food options, Staff recommend the Board support this application.

SECTION 2: BACKGROUND/ANALYSIS

The Agricultural Land Reserve (ALR) is a provincial land use zone in which agriculture is recognized as the priority use. Non-Farm Uses of ALR land, except when permitted via regulation, are restricted unless approved by the Agricultural Land Commission (ALC).

GENERAL INFORMATION

Applicant: Kiranpal Sandhu

Property Owner: Marar Orchards LTD., INC.NO. BC1031504

Property Location: 3409 Highway 3, Erickson – Electoral Area B
LOT G DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409 (PID: 015-973-816)

Property Size: 2.87 hectares (7.09 acres)

Current Zoning: Agriculture 1 (AG1)

Current Official Community Plan Designation: Agriculture (AG)

Site Context

The subject property is in Erickson, approximately two kilometers east of the town of Creston. This property is located within the orchard district along Highway 3 and is within the ALR. The property is a flat parcel that 2.87 hectares (7.09 acres) in size. Approximately 75% of the property's area is currently used for growing tree fruits including cherries, peaches, plums and nectarines. The property is classified as a farm by BC Assessment. In

addition to the orchard, the property has been improved with two dwellings, a fruit stand, cooler, accessory building, driveway and parking area. This is clustered at the front of the lot as shown in included maps and site plan. The property is known and referred to by its business name, “Marar Orchards.”

In addition to the subject property, Marar Orchards LTD also own the property directly to the east. This parcel is also classified as farm by BC Assessment and grows tree fruits. Further, Marar Orchards LTD also owns one other tree fruit farm approximately 1km north of the subject property which is also classified as a farm by BC Assessment. Figures 1, 2 and 3 show the location and aerial imagery of the three properties. The subject property outlined in orange and the other properties are outlined in green.

The surrounding area has a mix of residential and agricultural uses. The subject property, the property to the east (owned by Marar Orchards LTD) and one property to the west are tree fruit farms. The rest of the agriculturally zoned parcels are primarily used for residential purposes. All the surrounding properties are within the ALR and are zoned Agriculture 1 (AG1) with the exception of the manufactured home park located to the southeast of the subject property. Figures 4 and 5 show the RDCK and ALR zoning context.

SURROUNDING LAND USES
North: Agriculture 1 (AG1) zoned properties within the ALR which are primarily used for residential purposes.
East: Agriculture 1 (AG1) zoned property within the ALR which is owned by Marar Orchards LTD. The property is classified as a tree fruits farm by BC Assessment.
South: One Agriculture 1 (AG1) zoned property within the ALR which is classified as a tree fruits farm by BC Assessment and multiple Manufactured Home Park (R5) zoned properties primarily used for residential purposes.
West: Agriculture 1 (AG1) zoned properties within the ALR which are primarily used for residential purposes.

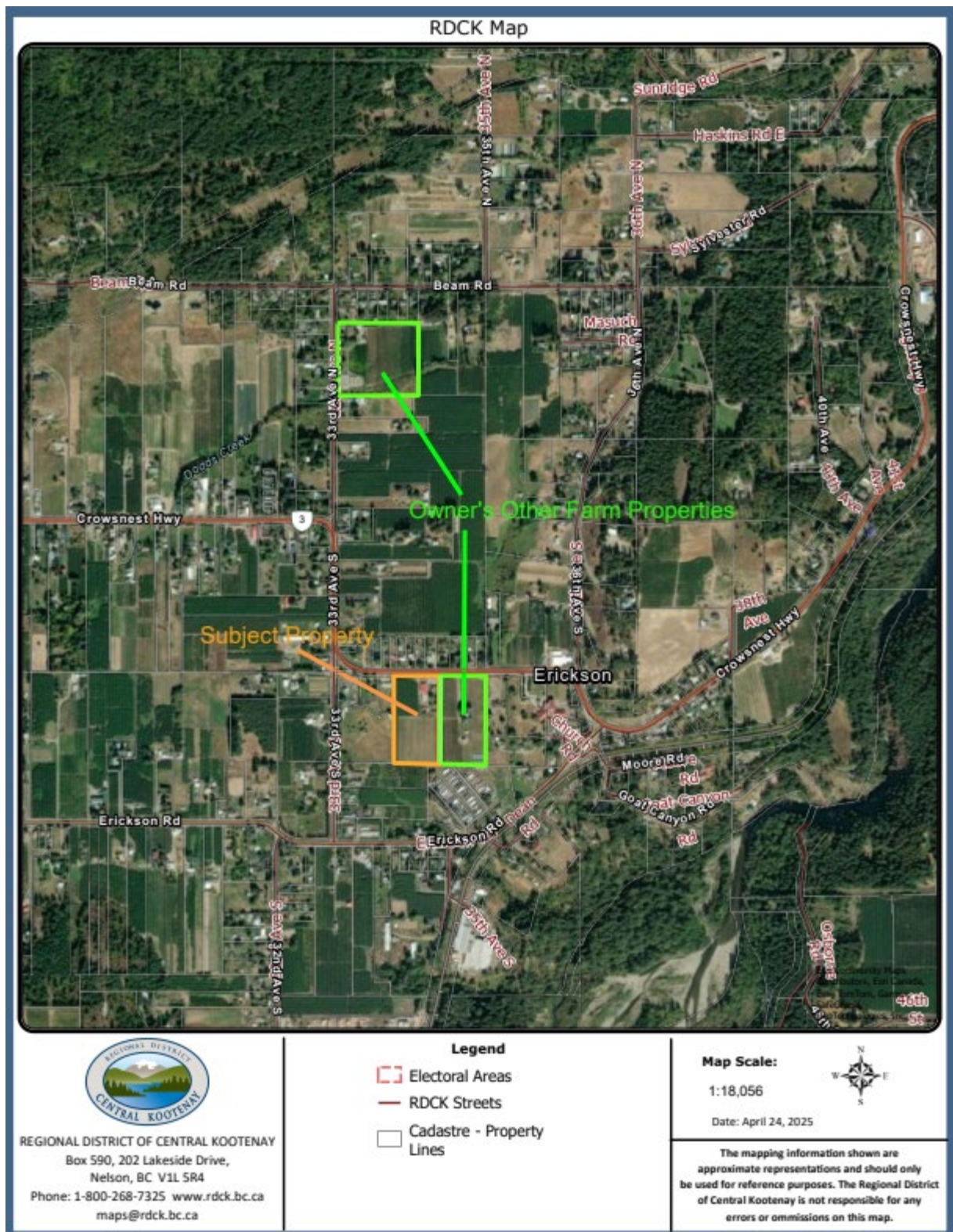


Figure 1: Location Map

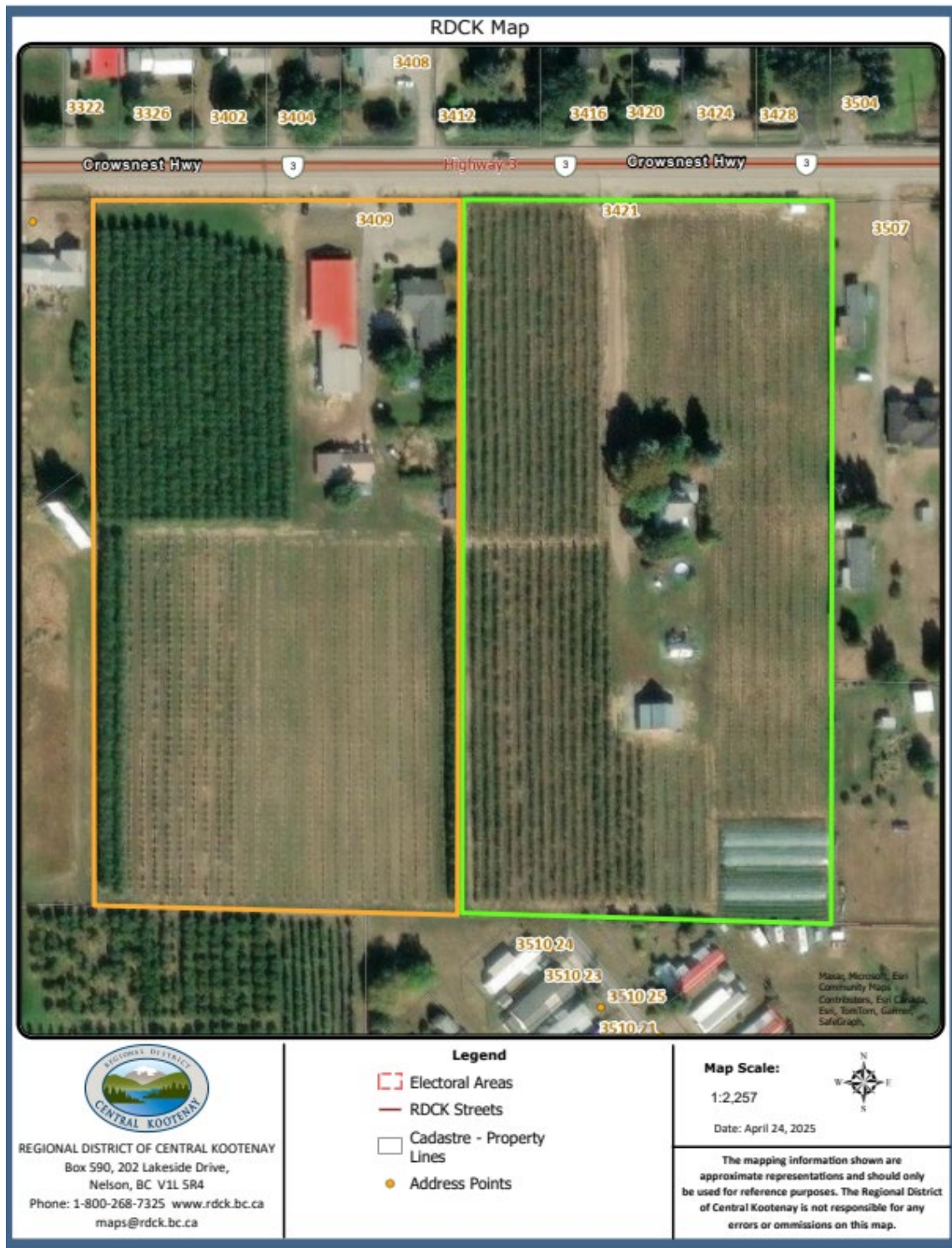


Figure 2: Subject Property (Orange) and Second Property Owned by Marar Orchards LTD (Green)



Figure 3: Third Property Owner by Marar Orchards LTD (Green)

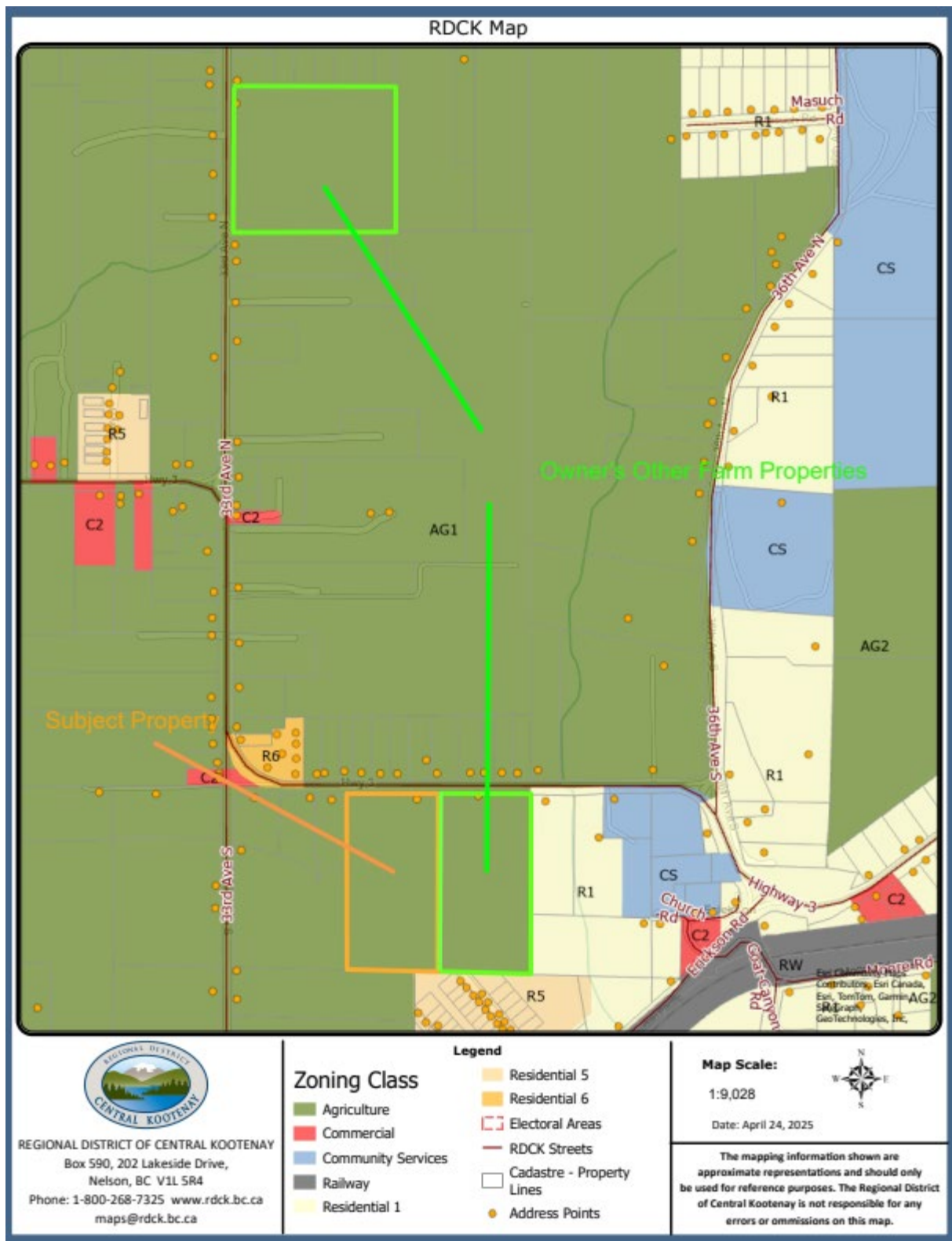


Figure 4: RDCK Zoning

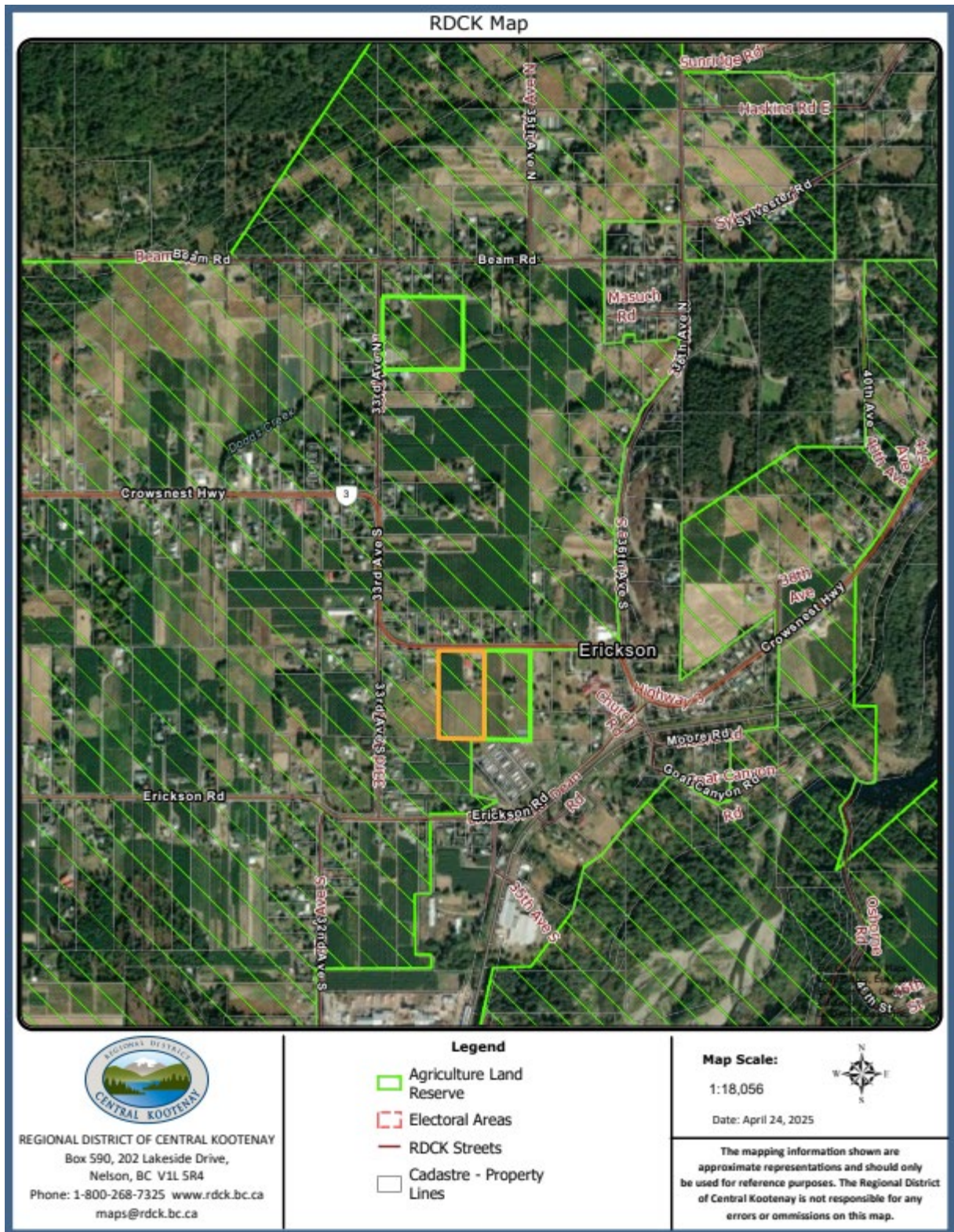


Figure 5: ALR Zoning

Development Proposal

As noted earlier in this report, approximately 75% of the property's area is currently used for growing tree fruits including cherries, peaches, plums and nectarines. In addition to the orchard, the property has been improved with two dwellings, a fruit stand, cooler, accessory building, driveway and parking area. The fruit stand is open to public and sells fruits and other produce.

The owners are requesting to expand the consumable offerings for sale at their fruit stand to prepared meals, snacks and drinks. For simplicity, this report will describe this proposal as a "café." However, there is no table service nor sale of alcohol proposed and the owners have indicated that the prepared foods will be "grab and go." Customers may take items with them, or they may consume them at picnic tables which will be placed around the fruit stand. In addition to the sale of these items in the fruit stand, they are also proposing to prepare these foods on site in a proposed commercial kitchen which is to be converted out of the garage of the existing principal dwelling.

The owners indicate that 80% of the produce used to prepare these foods and drinks would come from their farms. This includes potatoes, tomatoes, peas, onions, garlic, ginger, dill, cilantro, cucumbers, sweet peppers, hot peppers, carrots and strawberries. Some examples of the foods and drinks they would be preparing include samosas, pakora, butter chicken, shakes and smoothies, pickles, salsas and jams.

Given that the café would be established in the existing fruit stand, and that the commercial kitchen will be established in part of the existing dwelling, and the parking areas are already established, no further disturbance to agricultural land will occur as a result of this development.

The owners have asserted that the proposal supports agriculture as it will assist in uplifting the farms revenue. Photos of the site are shown in figures 7, 8, 9, 10 and 11.

The Agricultural Land Commission (ALC) considers the addition of a "café" as the establishment of a non-farm use in the ALR, which is triggering the requirement for this application. The ALC file number for this application is 103531.

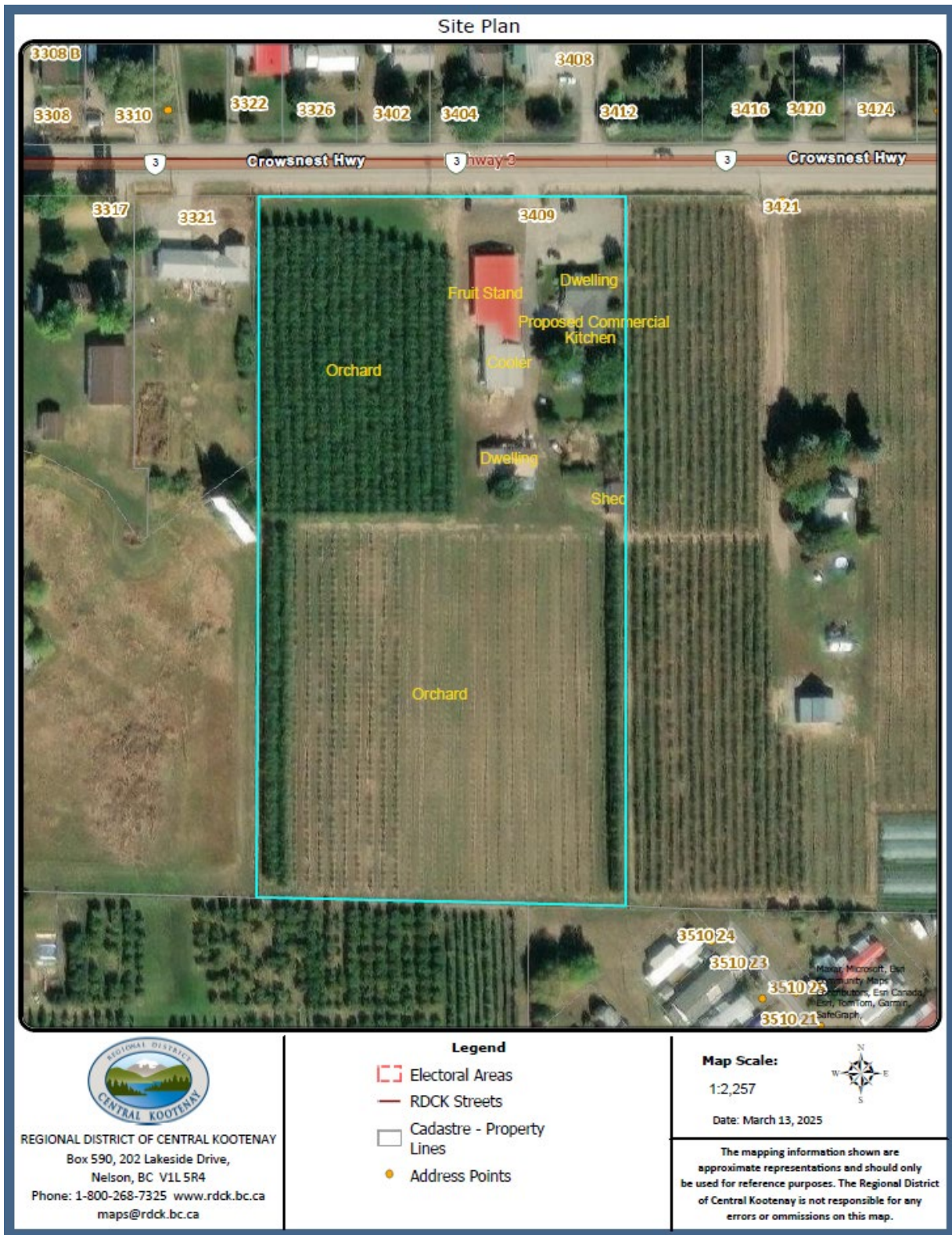


Figure 6: Site Plan



Figure 7: Eastern Portion of Property



Figure 8: View of Property Looking South



Figure 9: Interior of Fruit Stand



Figure 10: Interior of Fruit Stand



Figure 11: Area of Fruit Stand Proposed to be used for the "Cafe"

Land Use Considerations

Official Community Plan (OCP)

The OCP land use designation for this property is Agriculture (AG). The OCP states that Electoral Area B is one of the richest agricultural areas of the Province, with lands being used for agricultural activities such as fruit production as is conducted on the subject property. It also states that agriculture is a basis for tourism and industry in the area. The OCP identifies the following relevant objectives and policies for agricultural parcels:

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production
3. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use
4. To encourage senior levels of government to enable and facilitate agricultural activity and industry.
5. Will encourage food processing activities within the Plan area, and uses secondary to, and complementary to agricultural production; such as market gardens, agri-tourism, farmers markets and farm gate sales.

Zoning Bylaw

The subject property is zoned Agriculture (AG1). The zoning permits agriculture and residential uses principally and accessory uses such as home based businesses. The current and proposed uses are consistent with the zoning on the subject property.

Agricultural Area Plan

In 2011, the RDCK developed an Agricultural Plan with the overall goal of increasing the quantity and quality of agricultural production in the Region.

The purpose of the Agriculture Area Plan is to ensure that the agricultural capability of the area is realized and protected as part of a secure food supply for the region. Agriculture in the Region is characterized by its diversity, with larger operations predominantly in the Creston Valley and many small-lot farms spread across the RDCK. The Plan's recommendations address all sizes and forms of farm operations. Some of the issues facing farmers and food producers in the region were identified through public consultation when the Agriculture Plan was developed. The report goes on to make several recommendations which address agricultural viability, capability and secure food supply recommendations. Relevant recommendations are included below:

1. It is recommended that the RDCK assess and initiate mechanisms to expand local market options for regional food.

Agricultural Land Use Inventory

The RDCK's Agricultural Land Use Inventory, 2016 (ALUI) was developed for the purpose of building a common understanding of agriculture within the RDCK.

According to the ALUI, 23% of ALR parcels are used for farming and 77% are not used for farming. It notes that small scale operations are more common throughout the region, with larger commercial operations more prevalent in the Creston area. Creston has a diversity of agriculture businesses ranging from hay, grain, dairy, tree fruit, seed, poultry and beef operations. It also notes that in the past, many agriculture producers were able to produce and sell their products to the local market. However, over time, the economy of scale made it more difficult for agriculture producers to compete and many farms stopped producing and became fallow. In the last few years, there is greater interest by the local population to purchase local food and to support local farm businesses. The report notes that the Creston valley will continue to be the hub of agriculture in the region.

Agricultural Capability Rating

In BC agricultural capability ratings and limitations are assessed through a classification system known as the "Land Capability Classification for Agriculture in British Columbia." The classification system describes seven land capability classes for agriculture (Classes 1 to 7). The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.

The subject property has an improved agricultural capability rating of Class 1 and 2 with 70% being Class 1 and 30% being Class 2 with the limitation of topography. There is no unimproved agricultural capability rating for this parcel and there is also no mapping available showing the unimproved or improved agricultural capability rating.

Class 1 lands either have no or only very slight limitations that restrict its use for the production of common agricultural crops. Class 2 lands have minor limitations that require good ongoing management practises or

slightly restrict the range of crops, or both. The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops.

Soil Type

The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The site is composed of soils from the Creston Soil Association. Creston soils have favourable climatic characteristics and are very productive agriculturally when irrigated. The Creston soils are particularly suited for tree fruits and presently most of the orchards in the Creston area are located on these soils. These productive soils should be retained for agricultural production.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	☐ Yes	☒ No	Financial Plan Amendment:	☐ Yes	☒ No
Debt Bylaw Required:	☐ Yes	☒ No	Public/Gov't Approvals Required:	☐ Yes	☒ No

The applicant has paid the \$750 RDCK Referral Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015. If the application advances to the ALC, the applicant is required to pay an additional \$750 to the ALC for their review.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Planning Procedures and Fees Bylaw No. 2456, 2015

The bylaw states that for areas with a zoning bylaw "the Board will consider RAC's recommendation and will pass a resolution to deny or advance the proposal to the ALC. The local government resolution may include additional comments for the ALC to consider."

Agricultural Land Commission Act (ALCA)

As per Section 25(1) of the Act, when making a decision on an application for a non-farm use in the ALR the Agricultural Land Commission may do one of the following:

- (a) refuse permission;
- (b) grant permission;
- (c) grant permission for an alternative use.

When applications are forwarded to the ALC, Section 34.1(2) of the ALCA states that a local government may include comments and recommendations regarding the application.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

This proposal would assist established farmers to produce and sell value added products made from their farms. The addition of the café to sell local food supports agriculture and agricultural producers and contributes to food security in the region. It also provides the public an opportunity to buy locally produced products.

3.5 Economic Considerations:

The addition of the café to sell local food supports agriculture and agricultural producers and contributes to the economic well being of the area.

3.6 Communication Considerations:

The ALC does not require public notification for applications to conduct a non-farm use within the ALR. In accordance with the Planning Procedures and Fees Bylaw No. 2457, 2015 the application has been referred for

to specified referral agencies comment. Brief responses that were received are included below and longer responses received are attached to this report as 'Attachment A'.

Ktunaxa Nation Council

The Ktunaxa Nation Council has no concerns with this application.

RDCK Water Services

At this time Water Services has no requirements. However, when they apply for a building permit to construct or renovate a structure for the cafe a Capital Infrastructure Charge (CIC) of \$2000 would apply for the creation of a commercial unit per Bylaw 2951 Schedule A 6.2 d. If a building permit is not required the CIC will still apply. Once the café is operational an additional commercial charge of \$1,265 per Bylaw 2951 Schedule B 6.6 needs to be added to their water account. The customer needs to contact us at that time to ensure their account is up to date.

3.7 Staffing/Departmental Workplace Considerations:

The proposal is considered under the operational requirements of Planning Services.

3.8 Board Strategic Plan/Priorities Considerations:

The Board Strategic Plan has as an area of focus: "supporting our local agriculture and food security."

SECTION 4: SUMMARY & OPTIONS

Planning Discussion

Policy in the RDCK typically discourages the establishment of non-farm uses on agricultural properties in order to preserve agricultural land for farming. However, there are cases where non-farm uses may be considered appropriate, especially where those uses support farmers, agriculture and have a public benefit.

The proposal includes the conversion of existing developed buildings on the property to accommodate the production and sale of agricultural products grown primarily on the owners' farms. The owners already have a roadside fruit stand where they sell produce to the public and as such, the parking and other areas associated with this development are already established. The proposal would further utilize the existing space not used for orchards to boost farm income.

Establishing the café would allow the farms to minimize waste and be more financially resilient. Selling raw produce has a price ceiling, but turning the produce into snacks, beverages and preserves can boost profits significantly. It can also extend the produces shelf life and utilize good but less visually attractive produce that may not readily sell in its unprocessed form.

Permitting the creation and sale of local value-added products means more jobs and money can stay in the local community. It also means that locals and visitors alike can access locally produced foods. The ALUI supports this activity noting that there is greater interest by the local population to purchase local food and to support local farm businesses. The Agricultural Area Plan also recommended that the RDCK assess and initiate mechanisms to expand local market options for regional food. Further, the OCP supports diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.

Given that this proposal will support established farmers, benefit agriculture, contribute to food security and offer a public benefit by providing local food options, Staff recommend the Board support this application.

Options:

Option 1:

That the Board SUPPORT application A2505B for the purposes of a Non-Farm Use in the ALR proposed by Marar Orchards LTD., INC.NO. BC1031504 for the property located at 3409 Highway 3, Erickson, Electoral Area B and legally described as LOT G DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409 (PID: 015-973-816).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 2

That the Board PROVIDE NO COMMENT on application A2505B for the purposes of a Non-Farm Use in the ALR proposed by Marar Orchards LTD., INC.NO. BC1031504 for the property located at 3409 Highway 3, Erickson, Electoral Area B and legally described as LOT G DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409 (PID: 015-973-816).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

SECTION 5: RECOMMENDATIONS

That the Board SUPPORT application A2505B for the purposes of a Non-Farm Use in the ALR proposed by Marar Orchards LTD., INC.NO. BC1031504 for the property located at 3409 Highway 3, Erickson, Electoral Area B and legally described as LOT G DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409 (PID: 015-973-816).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.



Sadie Chezenko, Planner 1

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

General Manager Development & Sustainability – Sangita **Approved**

Sudan Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – Referral Responses

Attachment B – ALC Application



13-Mar-2025 15:56 MDT

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -ALC Non-Farm Use - Marar Orchards LTD.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.



Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau – Director, Territorial Stewardship, Shuswap Band

Travis Yeats – Referrals Coordinator, Shuswap Band

Joshua Martin – Guardian Manager, Shuswap Band

Enola Eugene – Culture, Shuswap Band



April 10, 2025

Sadie Chezenko
Planner
Central Kootenay Regional District

Sent by email

Dear Sadie:

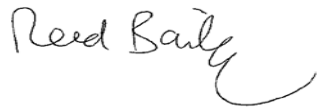
Re: File A2505B (ALC File: 103531) – Non-Farm Use (NFU) Application at 3409 Highway 3 (PID: 015-973-816) – The Subject Property

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File A2505B that proposes to convert an existing garage into a commercial kitchen to prepare a variety of food items to be sold out of the existing fruit stand on the Subject Property. From an agricultural planning perspective, Ministry staff offer the following comments:

- Ministry staff acknowledge that the majority of the Subject Property is planted with fruit trees and that the applicants also own/lease two additional nearby properties that are also under agricultural production.
- Ministry staff note that the proposed kitchen is small scale, will primarily process agricultural products grown on properties farmed by the applicant and is commensurate with the size of the existing agricultural operation.
- Given that the proposed commercial kitchen will be wholly contained within the existing garage, no additional land will be impacted or built upon thereby ensuring that the remainder of the Subject Property is available for agricultural production.
- Ultimately, given that the applicant is an established farmer and the proposed kitchen will not impact any additional land and is small scale in nature, Ministry staff support the application.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file. Please contact Ministry staff if you have any questions about the above comments.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is fluid and cursive, with a long, sweeping underline.

Reed Bailey
Team Lead – Land Use Planning
B.C. Ministry of Agriculture and Food



Cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 103531
Application Type: Non-Farm Uses within the ALR
Status: Submitted to L/FNG
Name: Sandhu
Local/First Nation Government: Central Kootenay Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT G DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1014 EXCEPT PART INCLUDED IN PLAN 11409
Approx. Map Area 2.89 ha
PID 015-973-816
Purchase Date Nov 15, 2020
Farm Classification Yes
Civic Address 3409, Highway 3, Creston, BC
Certificate Of Title BC Assessment-3409.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Kiranpal K Sandhu	Not Applicable	2502540265	kirancollections@hotmail.com	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

Yes

Describe the other parcels including their location, who owns or leases them, and their use.

508 33RD AVE N ERICKSON V0B 1G1 PID: 014-235-480 Owner: Marar Orchards Ltd- Kiranpal K Sandhu
3421 HIGHWAY 3 ERICKSON V0B 1K0 PID: 015-973-905 Owner: Marar Orchards Ltd- Kiranpal K Sandhu

3. Primary Contact

Type	Land Owner
First Name	Kiranpal K
Last Name	Sandhu
Organization (If Applicable)	No Data
Phone	2502540265
Email	kirancollections@hotmail.com

4. Government

Local or First Nation Government: Central Kootenay Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).	Cherry Trees: 90% Fruit Stand and Two Houses
--	---

Describe all agricultural improvements made to the parcel(s).	In 2020 Extension of Fruit Stand, renovation of both houses, Installation of New Cooler Units, New Cherry Tree Plantation
--	---

Describe all other uses that currently take place on the parcel(s).

Commercial Kitchen setup in Garage next to Fruit Stand

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Residential	Commercial Kitchen
East	Agricultural / Farm	No Activity
South	Agricultural / Farm	No Activity
West	Agricultural / Farm	No Activity

6. Proposal

How many hectares are proposed for non-farm use?

0.25 ha

What is the purpose of the proposal?

Planning to set up a Cafe (including a commercial kitchen)

~~Planning to setup Commercial Kitchen~~ to Uplift the revenue of the Farm. We will prepare some Indian kind of Snacks like Samosa(Veg/Chicken/Beef) , Veg/Paneer Pakora, Hot-Dog , Indian Main Course Rice and Butter Chicken, Shakes- Strawberry, Canning of Pickles, Salsa, Fruit Jams. We will use Approximately 80% of the produce grown by our own farms. Like- Potato, Tomato, Peas, Onion, Ginger, Garlic, Dill, Cilantro, Cukes, Peppers-Hot/Sweet, Carrots, Strawberries.

Could this proposal be accommodated on lands outside of the ALR?

NO

Does the proposal support agriculture in the short or long term?

Long Term
As we are using our produce it will help us to uplift the Farm revenue in future.

Proposal Map / Site Plan

3409 Highway 3 Creston.jpg

Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

7. Optional Documents

Type	Description	File Name
	No Data	



Committee Report

Date of Report: April 29, 2025
Date & Type of Meeting: May 14, 2025, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: LAND USE BYLAW AMENDMENT
File: Z2501F - MAKI
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a land use bylaw amendment in Electoral Area 'F' to rezone a property from Country Residential (R2) to Country Residential (R2) Site Specific. The application would facilitate the proposed development of a 1,525 m² indoor horse riding arena for personal use for the property located at 6102 Wills Road in Sproule Creek.

Local governments are not required to hold a public hearing on a proposed zoning bylaw if the bylaw is consistent with the Official Community Plan, which this application is. Given this compliance and the lack of concerns from the public about the proposal, Staff recommend that Amending Bylaw No. 3028, 2025 being a bylaw to amend Zoning Bylaw No. 1675, 2004 be given FIRST and SECOND and THIRD reading by content and that final adoption be withheld pending approval by Ministry of Transportation and Transit (MOTT).

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Judine and Wendell Maki
Property Location: 6102 Wills Road, Sproule Creek, Electoral Area 'F'
Legal Description: LOT A DISTRICT LOT 5574 KOOTENAY DISTRICT PLAN NEP69101 (PID: 025-049-780)
Property Size: 12.7 ha (31.3 ac)
Current Zoning: Country Residential (R2)
Current Official Community Plan Designation: Country Residential (CR)

Site Context

The subject property is located in the Sproule Creek/Taghum area approximately 8km west of Nelson. The property is 12.7 ha in size and is located approximately 1km up Sproule Creek Road from Highway 3A. The parcel is made up of five pieces under one title as can be seen in Figures 1, 2 and 3 which are hooked across the Sproule Creek watercourse. Although the property borders Sproule Creek Road, the bulk of the parcel is separated from the road by Sproule Creek and thus, the residential portion of the parcel is accessed from Wills Road through the two neighbouring parcels to the north. The subject property is currently used for residential purposes and has been improved with a driveway, residence, septic field, accessory buildings and outdoor horse riding arena. The location of the existing outdoor horse riding arena is over 100m from any property line as well as Sproule Creek. The horse riding arena is not visible from neighbouring properties.

The surrounding area has a mix of residential and industrial properties. The parcels to the north and south of the property are primarily used for residential purposes and are also zoned Country Residential (R2). The large property to the east is known as the Marsden Face Nature Trust Conservation Area and is zoned Rural Residential (R3). To the west of the property is Sproule Creek, Sproule Creek Road, and two Crown Land¹ parcels. The Crown Land parcel to the northwest is the Sproule Creek Pit which is zoned Quarry (Q). The parcel to the south of the pit is classified as works yards by BC Assessment and is zoned Medium Industrial (M2). Figure 2 shows the zoning context.

SURROUNDING LAND USES	
North:	Country Residential (R2) zoned properties primarily used for residential purposes
East:	Marsden Face Nature Trust Conservation Area zoned Rural Residential (R3)
South:	Country Residential (R2) zoned properties primarily used for residential purposes
West:	Sproule Creek Road and Crown Land including the Sproule Creek Pit zoned Quarry (Q) and works yards zoned Medium Industrial (M2)

¹ “Crown Land” is unceded land meaning that Indigenous title has neither been surrendered nor acquired by the Crown. Alternative terms such as “traditional territory” or “unceded territory” are sometimes used when referring to these lands to reflect this.

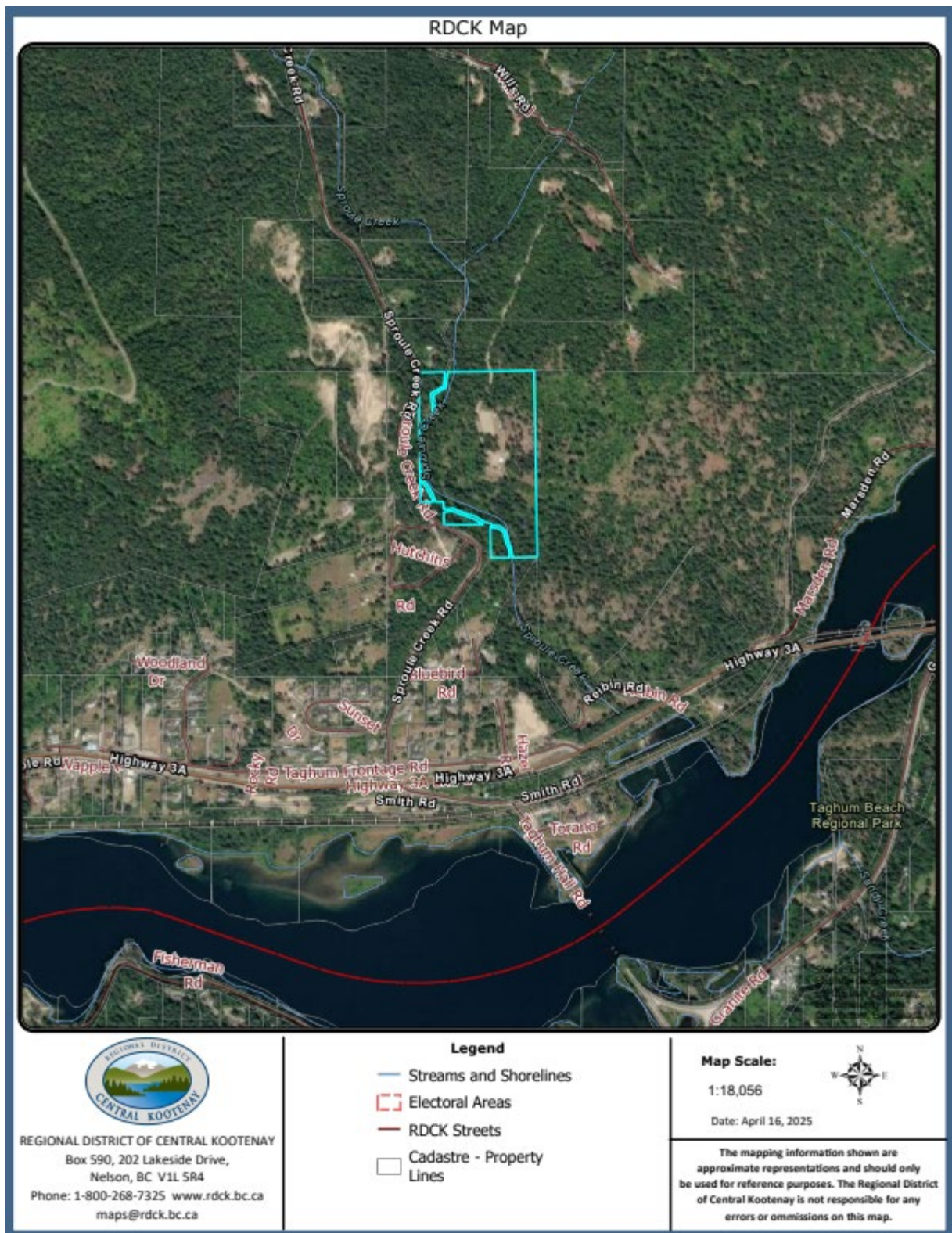


Figure 1: Location Map

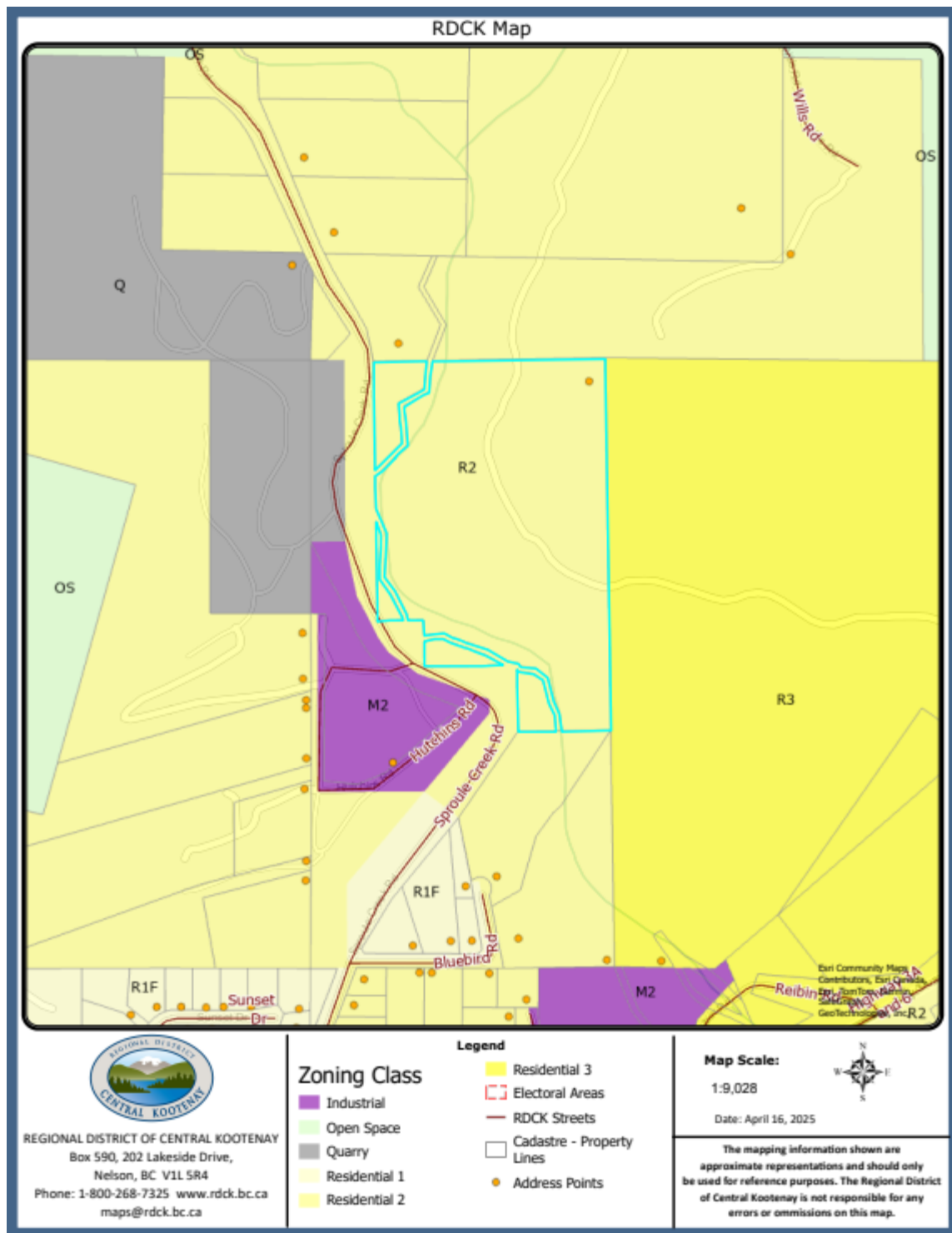


Figure 2: Zoning Map

Development Proposal

As noted earlier in this report, the subject property is currently used for residential purposes and has been improved with a driveway, residence, septic field, accessory buildings and horse riding arena. A horse riding arena is a space for riding horses, and can be indoor or outdoor. Currently, the horse riding arena is an outdoor arena, meaning that it is not covered by any type of structure. The owners have the arena for their own personal use as well as offering the occasional lesson.

The property owners are wishing to turn their outdoor riding arena into an indoor riding arena by covering it with a steel structure. Through discussions with the building department about what permitting would be required, the owners were informed that a horse riding arena was not currently a permitted use in the Country Residential (R2) zone. As such, the owners have submitted a land use bylaw amendment application to have the Board consider the addition of a horse riding arena as a permitted accessory use on the subject property.

In addition to the consideration of use, the size of the proposed structure is larger than what is permitted in the zone. Currently, the zoning does not permit an accessory building or structure to exceed 200m². In addition, the zoning specifies that the combined area of all accessory buildings on this property cannot exceed 400m².

The size of the proposed structure is approximately 61m long and 25m wide with a total area of 1525m². As a point of reference, the RDCK head office in Nelson is approximately 1200m². The 1525m² area of the structure is 1325m² larger than what is currently permitted by the zoning. As such, the applicant is seeking a site-specific bylaw amendment in order to accommodate the proposed structure. While the size of the proposed structure does not conform to the current zoning, the proposed height is 2m less than what is permitted (6 m). The location of the proposed horse riding arena is shown on the site plan in Figure 3 and a photo of the existing outdoor arena that is proposed to be enclosed is shown in Figure 4.

The applicant is proposing to rezone from Country Residential (R2) to Country Residential (R2) Site-Specific to achieve three things:

1. Add "Horse Riding Arena" as a permitted accessory use
2. Permit the proposed horse riding arena structure to be 1525m²
3. Permit a cumulative gross area of all accessory buildings/structures to not exceed 1952m²

The applicant is proposing the site-specific zone as they are content with their current zoning (other than noted above) and have no desire to change any other regulations. Currently, there is no other zone which permits a horse riding arena in conjunction with a residential use, so either a new zone or a site-specific zone is required to accommodate this proposal.

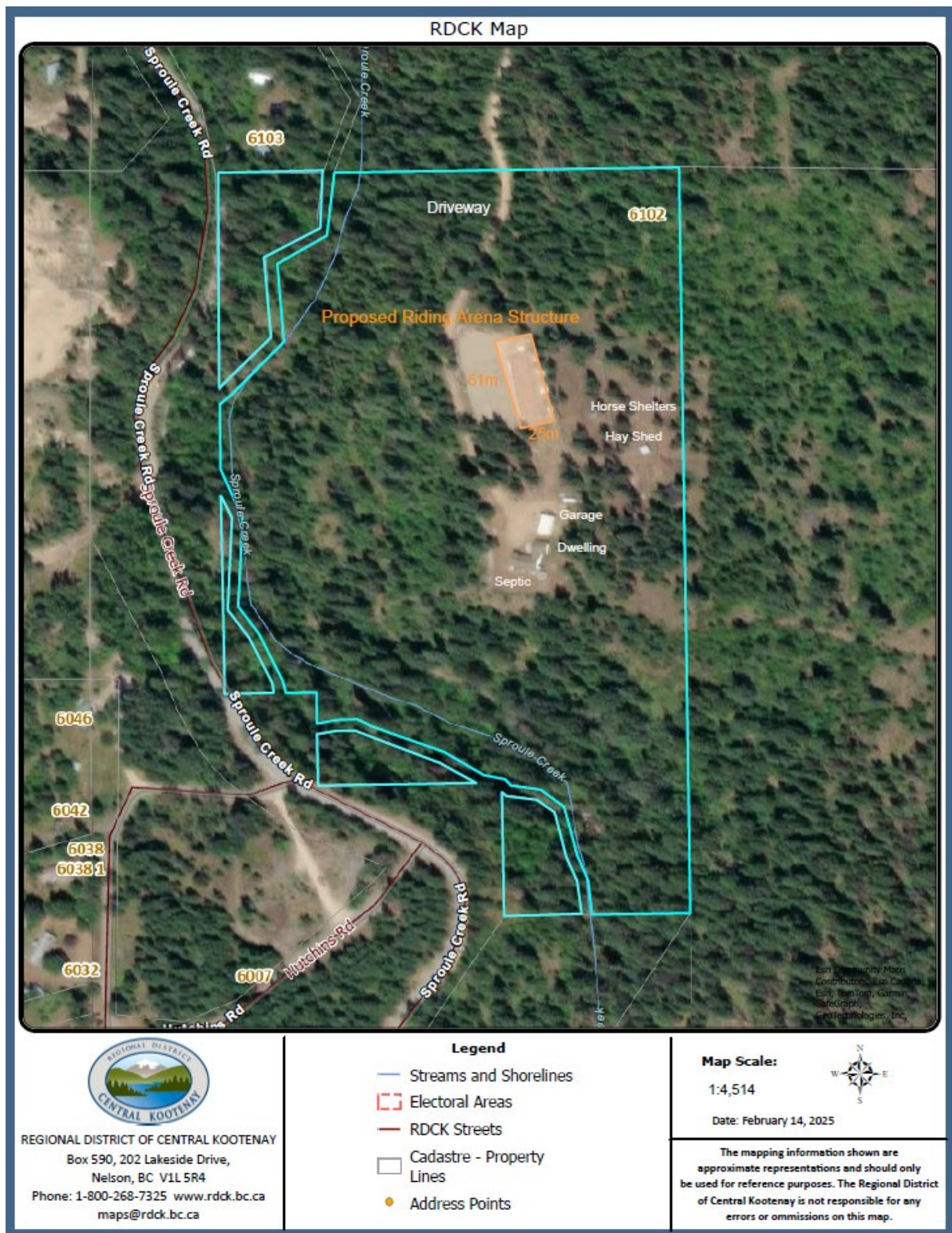


Figure 3: Site Plan



Figure 4: Horse Riding Arena

Land Use Considerations

Official Community Plan (OCP)

The OCP land use designation for this property is Country Residential (CR). The OCP states that Country Residential development generally includes single detached housing, manufactured homes, duplexes, and other buildings and uses that fit with the low-density character of the designation. The OCP is silent on the addition of this specific type of accessory use on a residential property. The OCP does state that one of the general residential objectives is to protect the existing quality of life and character of existing neighbourhoods.

Zoning Bylaw

The subject property is zoned Country Residential (R2) in RDCK Zoning Bylaw No. 1675, 2004. The current and proposed zoning are shown in the table below. The only proposed changes to the current zone are to add Horse Riding Arena as a permitted accessory use and to permit the size of the arena which impacts two development regulations as shown below. The property is otherwise consistent with the zoning.

Existing Zoning: Country Residential (R2)	Proposed Zoning: Country Residential (R2) Site-Specific
<i>Permitted Uses</i>	<i>Permitted Uses</i>

Principal Uses: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings and Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Farm Products - Portable Sawmills for processing of material harvested on site only <i>Relevant Development Regulations</i> 10 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres. 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.	Principal Uses: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings and Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Home Based Business Horse Riding Arena - Horticulture - Keeping of Farm Animals - Sale of Site Grown Farm Products - Portable Sawmills for processing of material harvested on site only <i>Relevant Development Regulations</i> 10 The maximum gross floor area of any accessory building or structure shall not exceed 1525 square metres. 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 1925 square metres.
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There is currently one zone in RDCK Zoning Bylaw No. 1675, 2004 which lists horse riding arenas as a permitted use. This is the Tourist Commercial (C3) zone. This zone also permits various other activities such as Museums, Service Stations and Zoos. Given that the applicant wishes to maintain the residential use of the property and since they have no intention for this property to be used for commercial purposes, rezoning to the tourist commercial zone was not contemplated.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	☐ Yes ☒ No	Financial Plan Amendment:	☐ Yes ☒ No
Debt Bylaw Required:	☐ Yes ☒ No	Public/Gov't Approvals Required:	☐ Yes ☒ No

The application fee was paid in full pursuant to *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The Local Government Act (LGA) specifies in Section 464(2) that local governments are not required to hold a public hearing on a proposed zoning bylaw if the bylaw is consistent with the Official Community Plan. In cases where a local government proceeds without a public hearing on a proposed zoning bylaw for which a public hearing is not required, it must give notice prior to the first reading of the bylaw. Notice must be published in accordance with section 94 of the Community Charter.

Notice of the proposed bylaw amendment has been given in accordance with Section 467 of the LGA, Section 94 of the Community Charter and RDCK Public Notice Bylaw No. 2966, 2024. Notice of this bylaw amendment was advertised in the Nelson Star as well as on the RDCK Notice Board, RDCK Website and the RDCK Facebook Page. The notice was also mailed to owners and tenants within 100m of the subject property.

If the amending bylaw for the subject property receives first, second and third readings, the amending bylaw will be sent to the Ministry of Transportation and Transit (MOTT) prior to consideration for adoption as the subject property is less than 800m from a controlled area, as defined by Section 52 of the *Transportation Act*.

3.3 Environmental Considerations

No negative environmental impacts are anticipated with this proposal. The proposed horse riding arena is over 100m from the Marsden Face Nature Trust Conservation Area property to the east as well over 100m from Sproule Creek. Further, the arena area has already been cleared and would not require further vegetation removal that could pose a threat to wildlife or their habitat.

3.4 Social Considerations:

None anticipated. There is no public benefit associated with this application as the horse riding arena is for personal use.

3.5 Economic Considerations:

The addition of an indoor horse-riding area to the subject property would be a significant financial investment which would likely increase the cost of the parcel for future purchasers. No economic impact beyond this is anticipated.

3.6 Communication Considerations:

Public and Neighbour Notice

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed on the subject property. Notice of this proposal was sent via mail to owners and tenants of all parcels within 100 meters of the subject property. The proposal and relevant information was also posted to the RDCK Active Applications page where all current planning applications are made available to the public. To date, no responses to these notices have been received.

Agency Referral Responses

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, planning staff referred the application to all applicable Regional District departments, First Nations, government ministries and agencies for a period of thirty (30) days. Brief responses are included below. Longer responses are attached to this report as Attachment A.

BC Hydro

BC Hydro has no comment as we do not service this area.

FortisBC

There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.

Lower Similkameen Indian Band

The Lower Similkameen Indian Band (LSIB) would like to acknowledge receipt of the above referral. We have conducted a desktop review of it. The location of the project/activity to which the referral relates is within syilx Territory and may have impacts on inherent and constitutionally protected syilx Title and Rights, which LSIB holds as part of the syilx Nation. However, given the location of the project, we would support Penticton Indian Band (PIB) and Osoyoos Indian Band (OIB) in taking lead in further consultation and engagement on this project. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with LSIB.

Ministry of Forests

The Selkirk District of the Ministry of Forests has no objection to the project going forward.

Ministry of Transportation and Transit

The Ministry has no concerns with the requested bylaw amendment.

Ministry of Water, Land and Resource Stewardship, Crown Land Authorizations – Kootenay Boundary Region

Crown Land interests appear unaffected as the proposed bylaw amendment is within the private parcel. We have no concerns with this bylaw amendment.

3.7 Staffing/Departmental Workplace Considerations:

Staff reviewed the application in accordance with the Land Use Amendments Procedures within Schedule 'D' of the *Planning Procedures and Fees Bylaw No. 2547, 2015*.

3.8 Board Strategic Plan/Priorities Considerations:

The bylaw amendment proposal does not directly relate to the strategic plan, however, the process of not conducting a public hearing where a proposed bylaw amendment is consistent with an OCP relates to the strategic priority of "Organizational Excellence." Specifically, to the areas of focus which follow:

- "Continue to update our policies and processes to be responsive and adaptable."
- "Continue to focus on our core services to ensure effective and efficient delivery through our Region."

Where not required by legislation, not holding a public hearing has tangible efficiency benefits to the organization and applicants while still ensuring that RDCK departments, First Nations, other agencies and neighbours have an opportunity to provide feedback on proposals.

SECTION 4: SUMMARY

Planning Discussion

This is an unusual proposal in that the owners are proposing to establish an indoor horse riding arena on a rural residential property, and not an agricultural setting. In addition, the neighbourhood is a bit unusual itself as it contains a mix of industrial, quarrying, residential and conservation activities in relatively close proximity.

The proposed arena, although large, would only cover approximately 1% of the subject property. This is because the property itself is over 12 hectares. The proposed siting for the arena is separated by the nearest neighbouring property residence by over 180m, and to the next second nearest residence by over 400m. The areas in between are also forested and as such, there will be no visual impacts to neighbours as a result of this proposal.

The horse riding arena is proposed primarily for personal use by the property owners. Although unconventional, there appears to be little if any direct impacts to the public because of this proposal. There does not appear to be any additional noise, traffic, dust or environmental impacts that will result. The use on the property would not substantially change from what is already happening, and the choice of adapting this residential zone specific to this site limits the impact that could have arisen from rezoning to, for example, a commercial zone which might permit additional unwanted principal uses.

No public concerns were raised in response to the proposal that was sent to neighbours to alert them of the proposed bylaw amendment. In addition, there were no significant concerns received from the referred agencies.

One land use concern to note is that while the horse riding arena is proposed for personal use ancillary to the primary residential use, at some point in the future, the property will change hands. A possible future owner may be tempted to adapt the use of the structure for an activity not ancillary to the residential use, but for a commercial operation. The common law principle of principal versus ancillary use is well-established in law, so the zoning regulations would be sufficient to ensure the land was used primarily for residential use. However, possible future buyers would need to be diligent in understanding those zoning limitations.

Staff recommend first, second and third reading by content for the following reasons:

- There were no concerns raised by the neighbours regarding the proposal
- There were no significant concerns raised by other agencies regarding the proposal
- The proposal does not appear to have any negative social or environmental impacts or any visual impact to neighbours
- The proposal does not significantly change what is already happening on the property and would bring the property into compliance with the zoning

Options

Option 1

- That Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST, SECOND and THIRD reading by content.
- And that the consideration of adoption BE WITHHELD for Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025 until the following item has been obtained:
 - Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

Option 2

- That the Board take no further action in regard to Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025.

SECTION 5: RECOMMENDATIONS

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST, SECOND and THIRD reading by content.

And that the consideration of adoption BE WITHHELD for Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025 until the following item has been obtained:

- Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

Respectfully submitted,
Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Approved**

Sangita Sudan - General Manager of Development and Community **Approved**

Sustainability Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

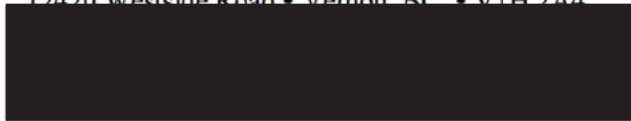
Attachment A – Referral Responses

Attachment B – Draft Zoning Amendment Bylaw No. 3028, 2025



Okanagan Indian Band

12420 Westside Road • Vernon, BC • V1H 2A4



"This correspondence will not be construed so as to to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory."

March 12, 2025

Attention: Sadie Chezenko

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB's Area of Responsibility as a member of the Syilx. At this time, we defer to the Lower Similkameen Indian Band and Penticton Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard
 Referrals Management Clerk
 Territorial Stewardship Division
 Okanagan Indian Band
 12420 Westside Road
 Vernon BC, V1H 2A4





12-Mar-2025 15:48 MDT

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Bylaw Amendment - Maki.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlcw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.



3A – 492 Arrow Road
Invermere, BC V0A 1K2



www.shuswapband.net

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau – Director, Territorial Stewardship, Shuswap Band

Travis Yeats – Referrals Coordinator, Shuswap Band

Joshua Martin – Guardian Manager, Shuswap Band

Enola Eugene – Culture, Shuswap Band



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

FN ID:

L-250319

Consulting ID:

L-250319-Maki

Project Name

L-250319-Bylaw Amendment - Maki.

Consulting Organization:

Regional District of Central Kootenay

19-Mar-2025 11:14 PDT

WITHOUT PREJUDICE

Attention: Sadie Chezenko

We are in receipt of the above referral. This proposed activity is within the snpink'tn (PIB) Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

snpink'tn (PIB) has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500



Penticton Indian Band
 Natural Resources Department
 841 Westhills Drive | Penticton, B.C.
 V2A 0E8

processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

Invoice Number: L-250319-Maki

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

We accept cash and cheque via mailing as well as EMT. Our mailing address is 841 Westhills Drive Penticton BC, V2A OE8. Our EMT is PIBPayments@pib.ca.

Please have 'ATTN: Natural Resources File # [insert referral number] PC:132 ' in the notes if you are using EMT or if you are using another method, please supply the referral number with it .

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, snpink'tn (PIB) will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend snpink'tn (PIB) Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

limləmt,

Maryssa Bonneau
Referrals Coordinator
snpink'tn (Penticton Indian Band)
Natural Resources



Penticton, British Columbia
Canada V2A 0E8



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

FN ID: L-250319

Consulting ID: L-250319-Maki

Project Name

L-250319-Bylaw Amendment - Maki.

Consulting Organization:

Regional District of Central Kootenay

19-Mar-2025 11:15 PDT

WITHOUT PREJUDICE

Attention: Sadie Chezenko

RE: 40 (forty) day extension

Thank you for the above application that was received on 10-Mar-2025.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, snpink'tn (Penticton Indian Band) will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

syilx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

Please note that not receiving a response regarding a referral from snpink'tn in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limləmt,

Caroline Stewart
Office Administrator
snpink'tn (Penticton Indian Band)
Natural Resources

address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

FN ID:

L-250319-Maki -

Project Name

L-250319-Bylaw Amendment - Maki.

Consulting Organization:

Regional District of Central Kootenay

Attention: Sadie Chezenko

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan Nation) Territory and the snpink'tn (Penticton Indian Band) Area of Interest. All lands and resources within the vicinity of the proposed development are subject to our unextinguished Aboriginal Title and Rights.

snpink'tn has now had the opportunity to review the proposed activity. Our preliminary office review has indicated that the proposed activity is located within an area of cultural significance and, as such, has the potential to impact snpink'tn cultural heritage, rights and interests. When potential impacts to snpink'tn interests have been identified, snpink'tn requires that a Cultural Heritage Resource Assessment (CHRA) be undertaken by qualified snpink'tn Cultural Heritage Technicians in an effort to determine the nature and extent of any potential impacts.

Please contact Maryssa Bonneau, Natural Resources Referrals Coordinator at mbonneau@pib.ca to arrange within 30 days.

Please note that our participation in the referral and consultation process does not define or amend snpink'tn Aboriginal Rights and Title or does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlæmt,



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

Maryssa Bonneau
Referrals Coordinator
snpink'tn (Penticton Indian Band)



address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8

From: [REDACTED]
Subject: RE: Agency Referral - Bylaw Amendment - Z2501F
Date: Thursday, March 20, 2025 11:39:15 AM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION

This email originated from outside the organization. Please proceed only if you trust the sender.

Hello Sadie,

Thank you for your referral regarding 6102 Wills Road, Sproule Creek, PID 025049780, LOT A DISTRICT LOT 5574 KOOTENAY DISTRICT PLAN NEP69101. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area (shown as the purple areas in the screenshot below) indicates there is high potential for previously unidentified archaeological sites to exist on the property. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites and their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land-altering activities on the property, no action needs to be taken at

this time.

Rationale and Supplemental Information

- There is high potential for previously unidentified archaeological deposits to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 20 to 40 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

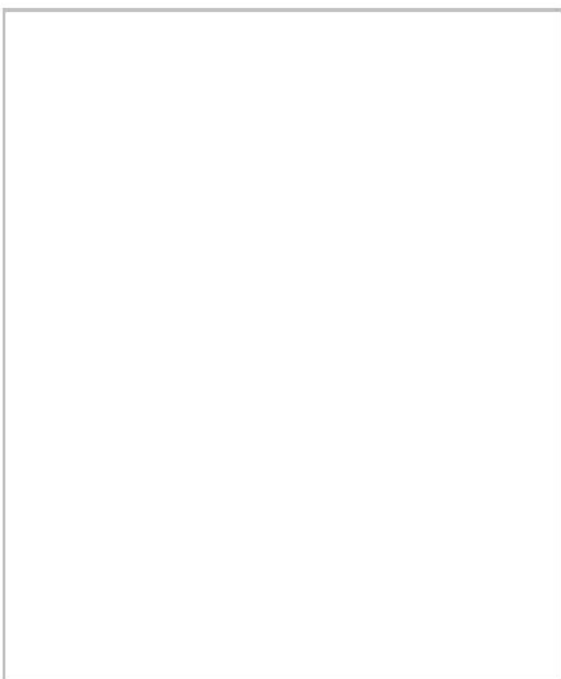
Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at [REDACTED]

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,

Jen



Please note that subject lot boundaries (yellow) and areas of archaeological potential (purple) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. If you are experiencing [REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Planning

Sent: Tuesday, March 11, 2025 2:10 PM

Subject: Agency Referral - Bylaw Amendment - Z2501F

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good Afternoon,

Attached is a referral package for the above noted file.

Please return your comments, if any, to plandept@rdck.bc.ca prior to **April 11, 2025**.

Sincerely,

Sadie Chezenko MCP | Planner 1

Regional District of Central Kootenay

Phone: 250.352-1536 | **Fax:** 250.352.9300

Follow us on [Facebook](#)

rdck.ca



July 5, 2023

Greetings,

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.
2. Changes in and about a “stream” [as defined in the [Water Sustainability Act](#) (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the [Water Sustainability Regulation](#). Authorized changes must also be compliant with the [Kootenay-Boundary Terms and Conditions and Timing Windows](#) documents. Applications to conduct works in and about streams can be submitted through [FrontCounter BC](#).
3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the [Riparian Areas Protection Regulation](#) (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of [RAPR](#) are required to ensure that all development is compliant with RAPR.
4. The federal [Species at Risk Act](#) (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are

Ministry of Water,
Land and Resource
Stewardship

Land Use Policy,
Planning and
Ecosystems

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Victoria, BC
V8W 9M3

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Page 1 of 3

adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to [Resource Inventory Standard Committee](#) (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific [Recovery Strategy or Management Plan](#) documents, and to ensure proposed activities will not adversely affect SEAR or their [Critical Habitat for Federally-listed Species at Risk \(Posted\)](#).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: [Natural Resource Best Management Practices - Province of British Columbia \(gov.bc.ca\)](#) and [Develop with Care 2014 - Province of British Columbia](#).
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial [Wildlife Act](#) and the federal [Migratory Birds Convention Act](#). Guidelines to avoid harm to migratory birds can be found at: [Guidelines to avoid harm to migratory birds - Canada.ca](#). If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

Bird Species	Least Risk Timing Windows
Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30
Hérons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

7. The introduction and spread of invasive species is a concern with all developments. The provincial [Weed Control Act](#) requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: [Invasive species - Province of British Columbia](#). The [Invasive Species Council of BC](#)

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provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

8. Section 33.1 of the provincial [Wildlife Act](#) prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.
9. If this referral is in relation to a potential environmental violation it should be reported online at [Report All Poachers & Polluters](#) (RAPP) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Kind Regards,



Shannon White, RPBio
Ecosystems Section Head - Kootenay-Boundary Region

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Land and Resource
Stewardship

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Planning and
Ecosystems

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REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3028

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

That Schedule 'A' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, be amended by changing the Zoning Designation of LOT A DISTRICT LOT 5574 KOOTENAY DISTRICT PLAN NEP69101 (PID 025-049-780) from Country Residential (R2) to Country Residential (R2) Site-Specific to add "Horse Riding Area" as a permitted accessory use and further that despite section 1101(10) that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres, except for the Horse Riding Area which may be 1525m² and further that despite section 1101(11) the cumulative gross floor area of all accessory buildings or structures shall not exceed 1925m² square metres on this lot only as shown on the attached Map.

1 This Bylaw shall come into force and effect upon its adoption.

CITATION

2 This Bylaw may be cited as "**Regional District of Central Kootenay Zoning Amendment Bylaw No. 3028, 2025.**"

READ A FIRST TIME this 15 day of May, 2025.

READ A SECOND TIME this 15 day of May, 2025.

READ A THIRD TIME this 15 day of May, 2025.

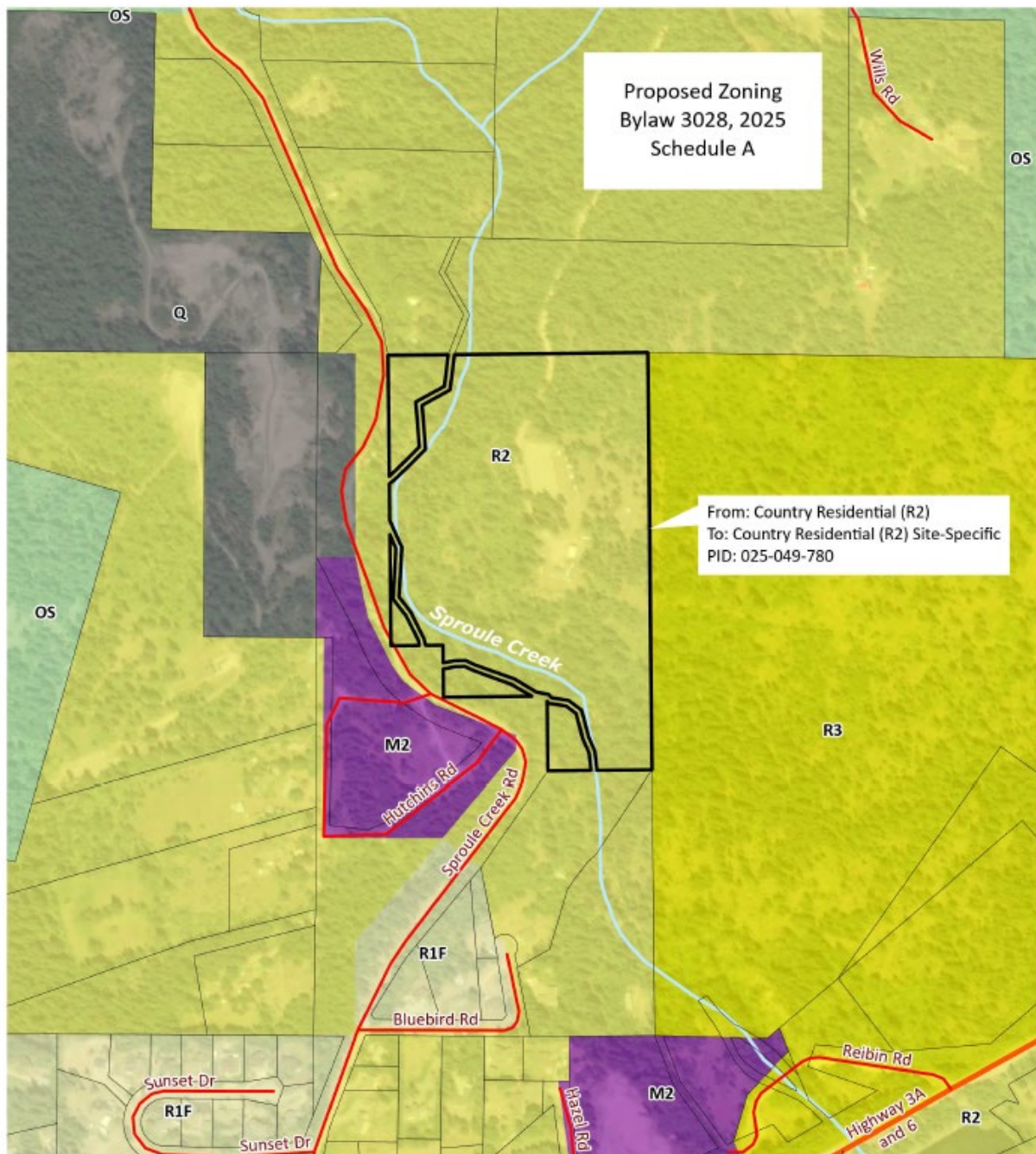
[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month], 20XX.

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer



- Subject Property
- Property Lines
- Stream
- Highway
- Road

- Zoning Class**
- Medium Industrial (M2)
 - Open Space (OS)
 - Quarry (Q)
 - Suburban Residential F (R1F)
 - Country Residential (R2)
 - Rural Residential (R3)



0 50 100
Metres

April 17, 2025
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.



Committee Report

Date of Report: April 30, 2025
Date & Type of Meeting: May 14, 2025, Rural Affairs Committee
Author: Rishab Gaba, Planner
Subject: FORESTRY REFERRAL
File: 09\4340\30\2025\R2518GJK-BCTS-FR000121
Electoral Area/Municipality 'G' 'J' 'K'

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the Regional District of Central Kootenay (RDCK) Rural Affairs Committee (RAC) a referral from BC Timber Sales (BCTS) for a series of proposed timber harvesting and road construction plans in the Kootenay Business Area affecting Electoral Areas G, J and K.

The referral is being presented to RAC because it affects at least three different Electoral Areas. The report outlines the proposals and relevant planning policy and is intended to inform Directors and seek direction on providing a response to BCTS.

SECTION 2: BACKGROUND/ANALYSIS

2.1 PROPOSAL

BC Timber Sales has submitted "Operating Plan 26" to the RDCK for review and comment. Operating Plan 26 lays out BCTS's potential timber harvesting and road construction plans in the Kootenay Business Area.

2.2 BACKGROUND

Operating Plans are the primary vehicle utilized by the BCTS Kootenay Business Area to conduct detailed public engagement at an operational level. All forest development proposed by BCTS goes through the Operating Plan consultation/referral process. Written comments received as part of this process are responded to before the Timber Sales Manager authorizes timber harvesting or road construction in the area.

Operating Plan 26 is subject to the broader "Forest Stewardship Plan" (FSP), a landscape-level plan that identifies how the holder of the plan will be consistent with government objectives for managing and protecting forest and range values through the results, strategies and measures specified in the plan. This Operating Plan is subject to FSP #914 (2023-2028), which the RDCK provided formal comments for on May 2, 2022. The FSP can be found on BCTS's website.¹

2.3 PLANNING ANALYSIS

While it is recognized that the Province has jurisdiction over Crown Land and functions as a higher order of government, it is not subject to local government regulations. Based on the RDCK Web Mapping, no hazards related to geohazards, flood construction levels, or non-standard flooding erosion area (NSFEA) have been

¹ Government of BC (2024). BC Timber Sales - Kootenay Business Area Forest Stewardship Plan #914:
<https://www2.gov.bc.ca/gov/content/industry/forestry/bc-timber-sales/fsp/kootenay-914>.

identified. The following table summarizes the affected watersheds, OCP designation, zoning classification, and development permit areas.

Proposed Blocks	Electoral Area	Watershed	OCP Class	Zoning Class	Development Permit Area
BAR-089	K	Barnes Creek	Open Space	Open Space	No
BAR-090	K	Barnes Creek	Open Space	Open Space	No
BAR-091	K	Barnes Creek	Open Space	Open Space	No
BAR-092	K	Barnes Creek	Open Space	Open Space	No
BUR-058	K	Snow Creek	Open Space	Open Space	No
BUR-059	K	Snow Creek	Open Space	Open Space	No
BUR-060	K	Snow Creek	Open Space	Open Space	No
BUR-061	K	Snow Creek	Open Space	Open Space	No
BUR-063	K	Snow Creek and Burton (Trout) Creek	Open Space	Open Space	No
SWL-074	K	Whatshan Lake	Open Space	Open Space	No
SWL-075	K	Lower Arrow Lake	Open Space	Open Space	No
BUL-139	J	Peter Creek	Open Space	Open Space	No
BUL-131	J	Peter Creek	Open Space	Open Space	No
BUL-047	J	Peter Creek	Open Space	Open Space	No
BUL-130	J	Dog Creek	Open Space	Open Space	No
BUL-048	J	Dog Creek	Open Space	Open Space	No
BUL-138	J	Dog Creek	Open Space	Open Space	No
LIM-033	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA
LIM-030	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA
LIM-037	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA
LIM-039	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA

STG-145	G	Halfway Creek	Resource Area	Resource Area	Yes Watercourse DPA
STG-146	G	Halfway Creek and Woodchuck Creek	Resource Area	Resource Area	Yes Watercourse DPA
STG-147	G	Halfway Creek	Forest Reserve	Forest Reserve	Yes Watercourse DPA
YMR-052	G	Porcupine Creek	Resource Area and Forest Reserve	Resource Area and Forest Reserve	Yes Watercourse DPA
YMR-050	G	Porcupine Creek	Resource Area	Resource Area	Yes Watercourse DPA
YMR-046	G	Porcupine Creek	Resource Area	Resource Area	Yes Watercourse DPA
YMR-039	G	Porcupine Creek	Resource Area	Resource Area	Yes Watercourse DPA
YMR-093	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
YMR-094	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
YMR-095	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
GRS-070	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA
GRS-082*	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA
GRS-083*	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA
Cutblocks GRS-082 and GRS-083 overlap with Erie Creek Park, a designated BC Park and an environmentally sensitive area.					
Proposed Roads	Electoral Area	Watershed	OCP Class	Zoning Class	Development Permit Area
ABAR-026	K	Barnes Creek	Open Space	Open Space	No
ABUR-011	K	Snow Creek	Open Space	Open Space	No
ABUL-130	J	Peter Creek and Dog Creek	Open Space	Open Space	No
ABUL-139	J	Peter Creek	Open Space	Open Space	No
ALIM-030E	G	McCormik Creek	Resource Area	Resource Area	Yes Watercourse DPA
ALIM-039	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA

ALIM-030	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA
ALIM-033	G	Wallack Creek	Resource Area	Resource Area	Yes Watercourse DPA
ASTG-147	G	Halfway Creek	Resource Area	Resource Area	Yes Watercourse DPA
ASTG-146	G	Halfway Creek	Resource Area	Resource Area	Yes Watercourse DPA
AR0219.02DM	G	Porcupine Creek	Resource Area	Resource Area	Yes Watercourse DPA
AYMR-039	G	Porcupine Creek	Resource Area	Resource Area	Yes Watercourse DPA
AYMR-094	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
AYMR-094temp	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
AYMR-095A	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
AYMR-095	G	Oscar Creek	Resource Area	Resource Area	Yes Watercourse DPA
AGRS-070	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA
AGRS-082	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA
AGRS-083	G	Erie Creek	Resource Area	Resource Area	Yes Watercourse DPA

2.4 STAFF REVIEW AND FEEDBACK

Staff have drafted a response to BCTS included as Attachment 'A'. Comments discussed at today's RAC meeting can be added to the response before sending.

General comments are copied below:

The natural environment is of significant value to the economy and livelihood of the rural electoral areas, and is recognized for its inherent value to wildlife and the ecological functioning of the area. RDCK requests that the strictest regulations for forest development are upheld within environmentally sensitive areas, hazard areas and areas upstream of domestic water users. Special care should be taken to ensure operations do not present a threat to geotechnical stability down slope of the cutblock areas or to creeks providing domestic water to dwellings. Forest managers are encouraged to ensure that the rate of extraction of timber does not compromise the long term productivity of the forest and that silviculture methods promote healthy forests and minimize fire hazards.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:

☐ Yes ☒ No

Financial Plan Amendment:

☐ Yes ☒ No

Debt Bylaw Required:

☐ Yes ☒ No

Public/Gov't Approvals Required:

☐ Yes ☒ No

N/A.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The RDCK Planning Procedures and Fees Bylaw No. 2457, 2015 states that, “[Forest] Referrals which impact three or more Electoral Areas will be presented to the Rural Affairs Committee to recommend a resolution for the Regional Board to endorse.”

The RDCK does not have legislated authority of forestry practices on crown land. However, Forest Stewardship Plans must be made publicly available for review and comment to allow other tenure holders, professionals, communities, stakeholders, and the public to provide input on these plans.

Official Community Plans for the Electoral Areas contain relevant policies created with public input that are contained in the draft response.

3.3 Environmental Considerations

Environmental protection and stewardship supporting biodiversity, sensitive ecosystems, species at risk and ecological integrity are important elements of RDCK Official Community Plans.

3.4 Social Considerations:

Forests in the area provide a range of ecosystem services to surrounding communities, including clean water, clean air, and recreational opportunities. Proper management techniques can help mitigate potential hazards to people, such as wildfires, floods, landslides, and contamination of drinking water sources.

3.5 Economic Considerations:

The forestry sector is a major driver of the region’s economy and provides employment opportunities for local residents

3.6 Communication Considerations:

The RDCK Planning Procedures and Fees Bylaw No. 2457, 2015 states that, '[Forest] referrals which impact three or more Electoral Areas will be presented to the Rural Affairs Committee to recommend a resolution for the Regional Board to endorse.' Comments from the Rural Affairs Committee (RAC) is to be included in the referral response.

3.7 Staffing/Departmental Workplace Considerations:

Staff reviewed the application in accordance with Schedule ‘N’: Local Government, Provincial Forest, Notice of Works Referral Procedure of the Planning Procedures and Fees Bylaw No. 2547, 2015.

3.8 Board Strategic Plan/Priorities Considerations:

The Strategic Plan 2024-2026 lists:

Values: Stewardship - We will use the resources given to us by citizens, businesses, government partners, and others in a careful and thoughtful manner for the betterment of us all.

Strategic Priorities:

Energy Efficiency and Environmental Responsibility: Our objective is to diligently respond to the expectations of our residents by actively incorporating their perspectives and prioritizing environmental stewardship in all our actions.

- Ensuring our watersheds are protected and well governed.
- Proactively prepare for and mitigate the impacts of natural risks, (fire, floods, and slides) including preparedness at the community level.

- Support community resiliency with resident safety as our top priority.
- Lead by example and implement strategies to support environmental stewardship and energy efficiency.

SECTION 4: SUMMARY

BC Timber Sales has referred to RDCK a series of proposed timber harvesting and road construction plans in the Kootenay Business Area affecting Electoral Areas G, J and K.

The intent of this report is to inform the RAC and seek initial additional comments before staff prepares a response to BCTS that includes staff and Local Area Director comments and relevant Official Community Plan policies. Draft RDCK comments are included as Attachment 'A'.

4.2 OPTIONS

Option 1: Provide Comment

That the Board direct staff to respond to BC Timber Sales regarding the BCTS Operating Plan 26, which includes timber harvesting and road construction plans in the Kootenay Lake TSA, as described in the R2518GJK Forestry Referral – Rural Affairs Committee report dated April 30, 2025 and including comments from the Rural Affairs Committee from its meeting on May 14, 2025.

Option 2: Do Not Provide Comment

That no further action be taken with respect to the BCTS Operating Plan 26, which includes timber harvesting and road construction plans in the Kootenay Lake TSA, as described in the R2518GJK Forestry Referral – Rural Affairs Committee report dated April 30, 2025.

SECTION 5: RECOMMENDATION(S)

That the Board direct staff to respond to BC Timber Sales regarding the BCTS Operating Plan 26, which includes timber harvesting and road construction plans in the Kootenay Lake TSA, as described in the R2518GJK Forestry Referral – Rural Affairs Committee report dated April 30, 2025 and including comments from the Rural Affairs Committee from its meeting on May 14, 2025.

Respectfully submitted,
Rishab Gaba, Planner 2

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

General Manager of Development Services and Community Sustainability – Sangita Sudan **Approved**

Chief Administrative Officer – Stuart Horn **Approved**

Attachments:

Attachment A – RDCK Draft Response

Attachment B – BCTS Referral Letter

Attachment C – BCTS Maps

Attachment D - RDCK Map Package



RDCK Planning File No. R2518GJK

April 30, 2025

Melissa Rode, RPF
Planning Forester
BC Timber Sales - Arrow Field Team

Dear Melissa

RE: BCTS Operating Plan 26

Thank you for the opportunity to comment on this referral. The comments from the RDCK Planning Department are as follows:

The natural environment is of significant value to the economy and livelihood of the rural electoral areas, and is recognized for its inherent value to wildlife and the ecological functioning of the area. RDCK requests that the strictest regulations for forest development are upheld within environmentally sensitive areas, hazard areas and areas upstream of domestic water users. Special care should be taken to ensure operations do not present a threat to geotechnical stability down slope of the cutblock areas or to creeks providing domestic water to dwellings. Forest managers are encouraged to ensure that the rate of extraction of timber does not compromise the long term productivity of the forest and that silviculture methods promote healthy forests and minimize fire hazards.

The proposed works are located within Electoral Areas G, J, and K.

Electoral Area K

Eleven blocks and two proposed roads are located within Electoral Area 'K' and are designated as Open Space under both the Electoral Area 'K' – The Arrow Lakes Official Community Plan Bylaw No. 2022, 2009 and the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004. Please be advised of the following applicable policies and objectives from the Electoral Area 'K' – The Arrow Lakes Official Community Plan Bylaw No. 2022, 2009:

Open Space Objectives

1. To encourage environmentally sensitive resource development practices to minimize the impacts on nearby lands.
3. To retain mining, exploration, forestry, logging and wood processing as traditional resource-based land uses that contribute to the local economy and nature of communities in the Plan area.

Open Space Policies

The Regional Board:

1. Recognizes that an Open Space designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.

3. Recognizes the jurisdiction of the Province over public Crown Land.
4. Shall ensure that permitted land uses and activities include: forestry, mining, exploration, range land, trapping, hunting, farming, tourism and commercial and non-commercial backcountry recreational activities.

Natural Environment Objectives

1. To preserve and protect natural values within the Plan Area in recognition of their importance to the local economy, residents, visitors and for wildlife and ecological functioning.
2. To maintain high water quality of groundwater and surface water sources of domestic water supply.
3. To foster an awareness of the natural environment and protect sensitive and significant natural features and values from negative impact as a result of development.
4. To encourage the maintenance of wildlife habitat and winter range.
5. To preserve the aesthetic value of the landscape.
6. To regulate the siting and environmental design of development adjacent to watercourses, including sensitive and significant natural features and values.
7. To encourage Provincial and Federal governments, private organizations and private landowners to protect, enhance and manage sensitive habitat areas in the Plan area and to adhere to Federal and Provincial statutes and regulations for the protection of fish and wildlife habitats.

Natural Environment Policies

The Regional Board:

1. Supports the identification, protection, and enhancement of environmentally sensitive areas, such as watercourses, wetlands, shorelines, steep rocky terrestrial areas and ungulate winter range.
4. Supports the objectives of the Province contained in the BC Stewardship Centre Stewardship Series documents, 'Stream Stewardship: A Guide for Planners and Developers', and 'Stewardship Bylaws: A Guide for Local Government', which describe measures for:
 - a. providing and protecting vegetated riparian areas adjacent to watercourses;
 - b. controlling soil erosion and sediment in run-off water;
 - c. controlling the storm water rates of run-off to minimize impacts on watercourses;
 - d. controlling in-stream work, construction and diversions on watercourses;
 - e. providing support to a stewardship program;
 - f. maintaining fish passages in watercourses; g. preventing the discharge of deleterious substances into watercourses
 - h. encouraging the rehabilitation of degraded riparian zones;
 - i. prohibiting landfill within the riparian area;
 - j. controlling work within the riparian area;
5. Encourages the retention of existing wildlife corridors.
6. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest development in these areas.
7. To protect environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community 'greenway' corridors that link open space areas.

Please be advised of the following applicable regulations under Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004:

DIVISION 49 OPEN SPACE (OS): Permitted Uses:

Resource Based Activities: Forest Harvesting

Electoral Area J

Six blocks and two proposed roads are located within Electoral Area 'J' and are designated as Open Space under both the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 and the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004. Please be advised of the following applicable policies and objectives from the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996:

Open Space Policies

3.10.3.3.2 The Regional District encourages the Provincial Government to maintain public land designated Open Space as per Schedule 'B' of this Bylaw primarily for environmental conservation and protection purposes. In this regard, the Regional District encourages land designated as Open Space to be used for low impact, land extensive recreation and resource development activities.

Environmental Policies

3.3.2 Development in potentially unstable areas shall avoid:

- 3.3.2.1 cutting into a slope without providing adequate mechanical support;
- 3.3.2.2 adding water to a slope that would cause decreased stability;
- 3.3.2.3 adding weight to the top of a slope;
- 3.3.2.4 removing vegetation from a slope;
- 3.3.2.5 steepening slopes.

3.3.9 Any timber harvesting and related forest practices carried out on Crown lands within a provincial forest are subject to the Forest Act, the Forest Practices Code of British Columbia and the regulations.

Please be advised of the following applicable regulations under Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004:

DIVISION 49 OPEN SPACE (OS): Permitted Uses:

Resource Based Activities: Forest Harvesting

Electoral Area G

Seventeen blocks and fifteen proposed roads are located within Electoral Area 'G' and are designated as Resource Area under the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, with the exception of one block in Halfway Creek and one in Porcupine Creek. Please be advised of the following applicable policies and objectives from the Electoral Area 'G' Land Use Bylaw No. 2452, 2018:

Resource Area Objectives

1. Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. Recognize the importance of Crown lands for recreational values and opportunity.
3. Work with the province and private land owners to ensure that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the area and that such activities include safeguards for water supply.

Resource Area Policies

The Regional Board:

4. Recognizes the jurisdiction of the province over public Crown land.
5. Will work with the province and regional health authority to recognize and protect community watersheds and sources of domestic water supply.
6. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
7. Supports appropriate small scale forest related activities, such as sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value added resource industries.

Forest Reserves (FR) may also be delineated within the Plan area and reflect both private and community owned and managed forest lands.

Natural Environment Objectives

2. Foster an awareness of the values associated with the natural environment and conserve sensitive and significant natural features and values from the negative impacts of development.
3. Encourage the maintenance of biodiversity, important to the biological functioning and ecological integrity of the area.
4. Protect, restore and enhance natural areas and establish an interconnected ecosystem network of protected areas and corridors, wherever feasible.
6. Support the protection, enhancement and management of sensitive habitat areas for endangered or threatened species in the Plan area.
7. Encourage the province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest and mining or mineral development in these areas.

Natural Environment Policies

The Regional Board:

11. Will prioritize the protection of Federally and Provincially listed ecological communities and species at risk and their associated habitats through minimizing direct disturbance and development impacts.

Resource Area (RA) Zone

Permitted Uses:

- Resource Based Activities
- Resource Processing

Forest Reserve (FR) Zone

Permitted Uses:

- Resource Based Activities
- Resource Processing

Watercourse Development Permit (WDP) Area

The objectives of this Development Permit Area designation, described in the Electoral Area 'G' Land Use Bylaw No. 2452, 2018 are:

1. To protect local watercourses, lakes and wetlands and their adjacent riparian areas from adverse impacts of land use.
2. To restore degraded watercourses and their riparian areas within the Plan area.
3. To protect the quality of local drinking water supplies.

4. To protect the biological diversity and habitat values of riparian and aquatic ecosystems and the species dependent on them.

Although it is understood that the Province has jurisdiction over Crown Land, the WDP within the Area G Official Community Plan highlights the desire to minimize the impact of development on watercourses by taking appropriate measures in relation to the environmentally sensitive riparian areas.

Additional Comments

Cutblocks GRS-082 and GRS-083 overlap with Erie Creek Park, a designated BC Park and an environmentally sensitive area. The park protects a mature cedar–hemlock forest and a riparian black cottonwood ecosystem along the northern banks of Erie Creek. Despite its small size—encompassing only 15 hectares—Erie Creek Park serves as a critical wildlife corridor for large mammals and supports healthy populations of both rainbow and introduced brook trout.

Any activity within cutblocks GRS-082 and GRS-083, may contravene provincial park protections and environmental regulations safeguarding eco-sensitive habitats and wildlife corridors.

RAC Comments:

Sincerely,

Rishab Gaba
Planner 2
(250)352.8153
rgaba@rdck.bc.ca

Rishab Gaba

From: Rode, Melissa FOR:EX <Melissa.Rode@gov.bc.ca>
Sent: Monday, March 24, 2025 9:45 AM
To: Planning
Subject: FW: BCTS Operating Plan 26
Attachments: Arrow OP26.kml

Categories: Laura Responding

You don't often get email from melissa.rode@gov.bc.ca. [Learn why this is important](#)

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

BC Timber Sales, Kootenay Business Area, has timber harvesting and road construction plans for areas that overlap with or are within the vicinity of your tenure.

This proposal is available for your review at either of the following locations:

- Castlegar Forestry Centre, 845 Columbia Ave, Castlegar B.C. Viewing by appointment during regular business hours, Monday to Friday, 8:30 AM – 4:30 PM. To arrange an appointment please email Melissa Rode (Planning Forester) melissa.rode@gov.bc.ca
- Maps showing the general location of the proposed development can be viewed on the web at [Bit.ly/42UXOAS](https://bit.ly/42UXOAS) **Username:** PX.SIGG.V **Password:** SIGGagoV@BCTS25

The shape and size of the proposed harvest areas and road locations are our best estimate. At this time, they demonstrate areas of interest and may change as BCTS gathers more information.

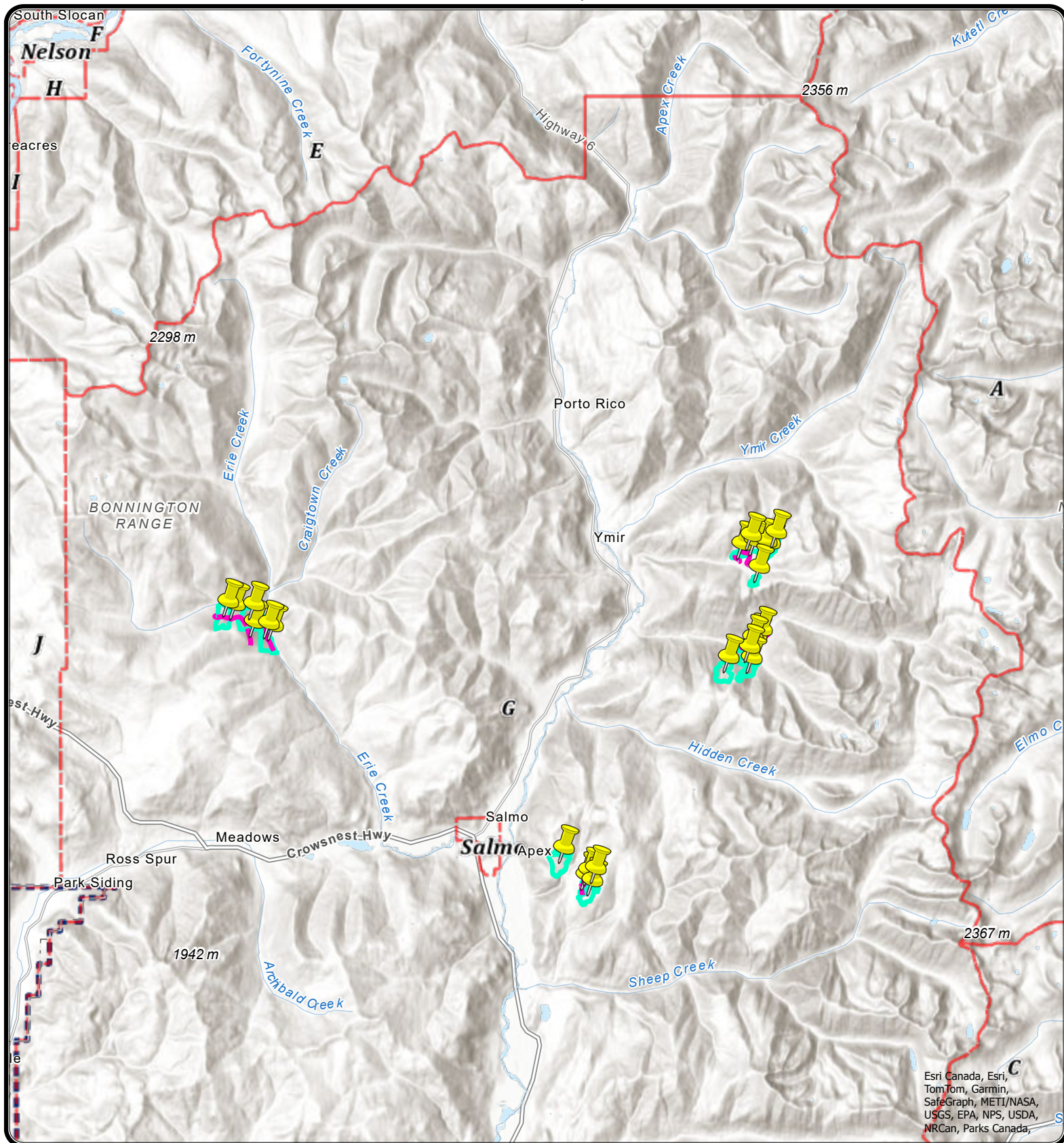
I would appreciate any feedback you can provide which would improve the decision-making process, and hopefully, we can address any questions or concerns you may have. Please provide written questions or comments to me no later than May 16, 2025.

Yours truly,

Melissa Rode, RPF

Planning Forester
 BC Timber Sales - Arrow Field Team
 Phone (250) 265-0355
E-mail-Melissa.Rode@gov.bc.ca

I acknowledge with gratitude that I live and work on the traditional territories of the Sinixt, Secwepemc, Syilx and Ktunaxa Nations.



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maps@rdck.bc.ca

Legend

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Lakes and Rivers

RDCK Boundary

Electoral Areas

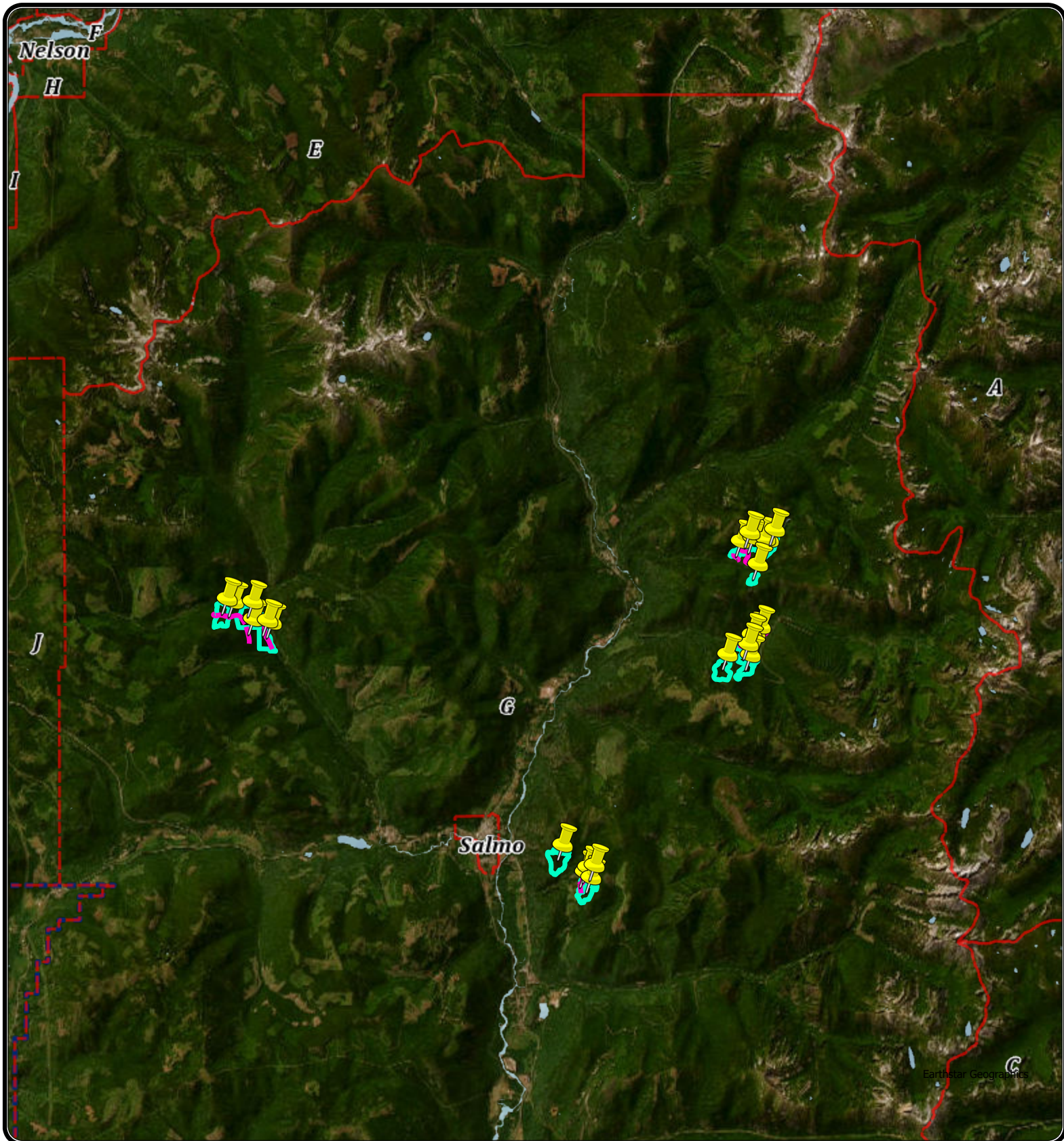
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Date: March 25, 2025



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.



Earthstar Geographics



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Lakes and Rivers

RDCK Boundary

Electoral Areas

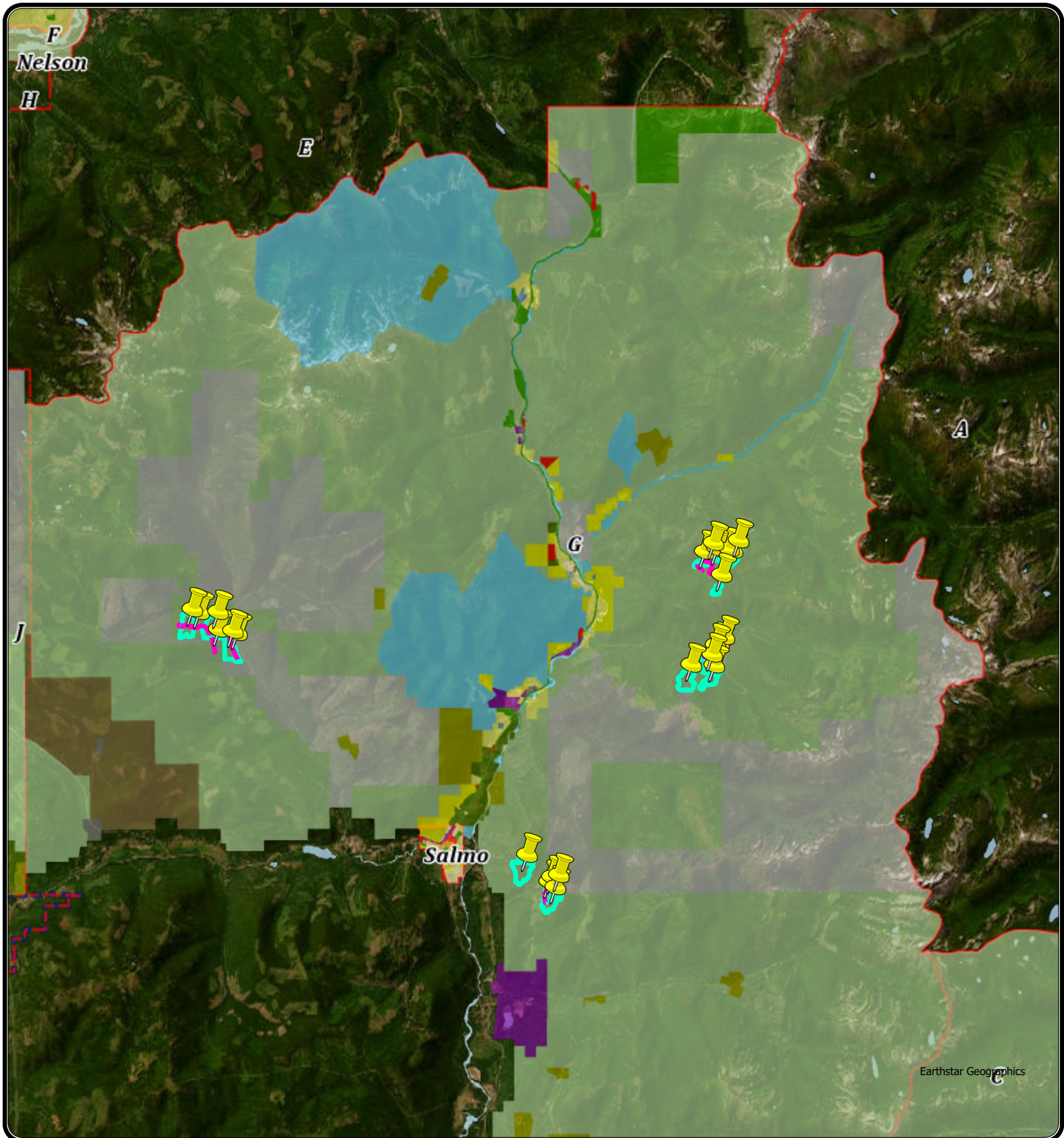
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- Agriculture
- Commercial
- Community Services
- Environmental Reserve
- Forest Resource/Reserve
- Industrial
- Multi-Family Residential
- Open Space

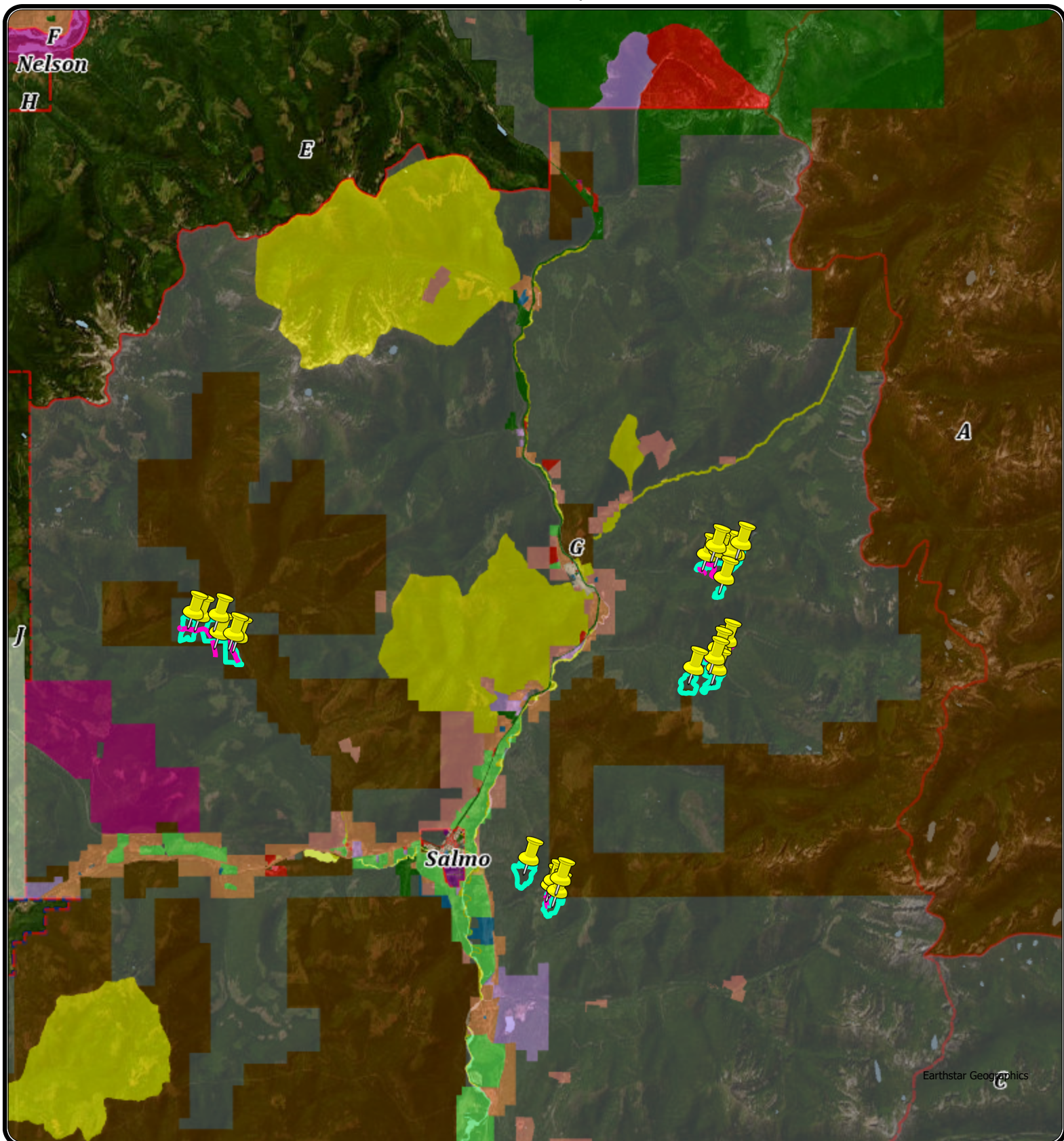
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 Community Plan
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 - Comprehensive Development
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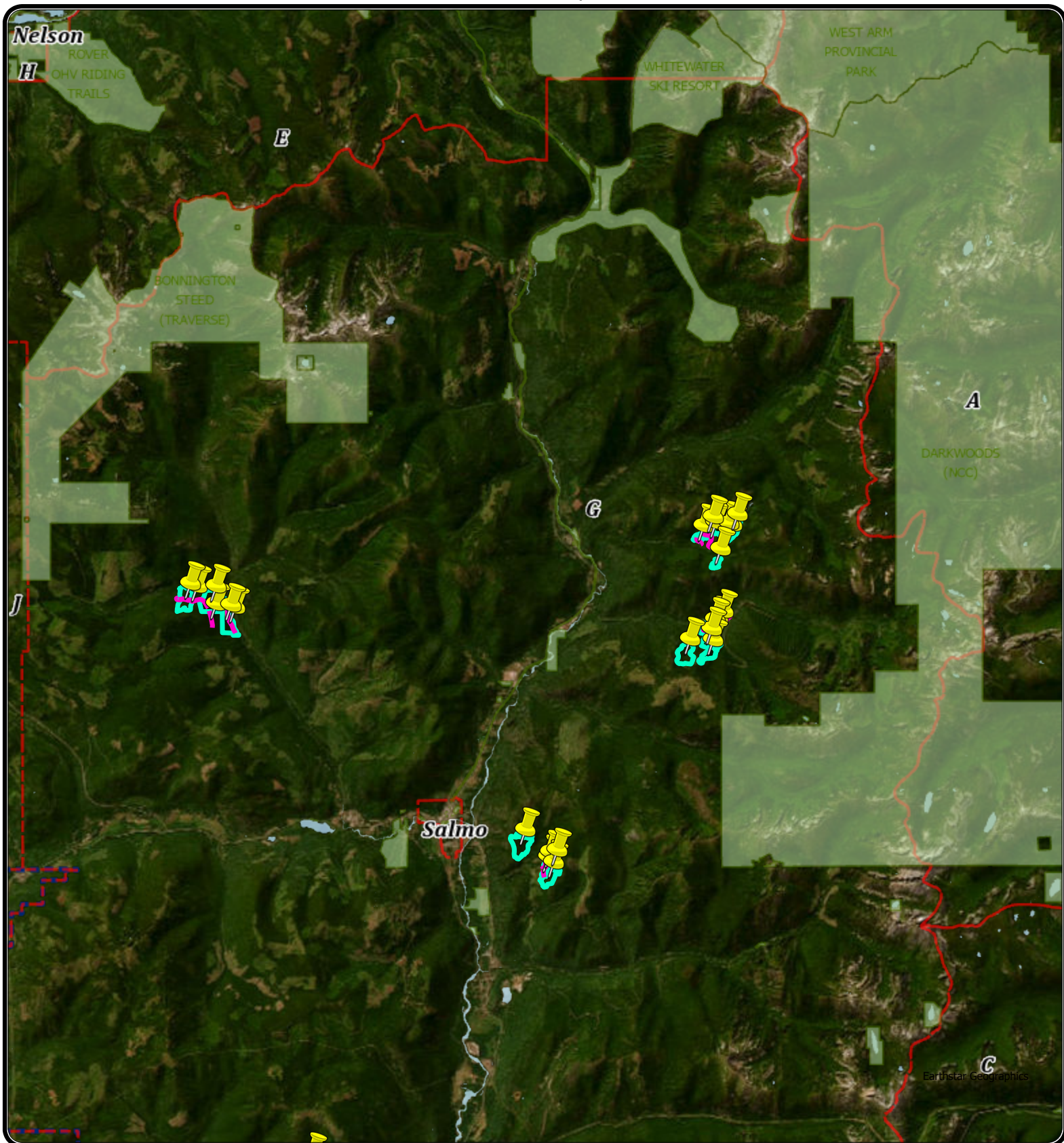
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Parks and Rec

Lakes and Rivers

RDCK Boundary

Electoral Areas

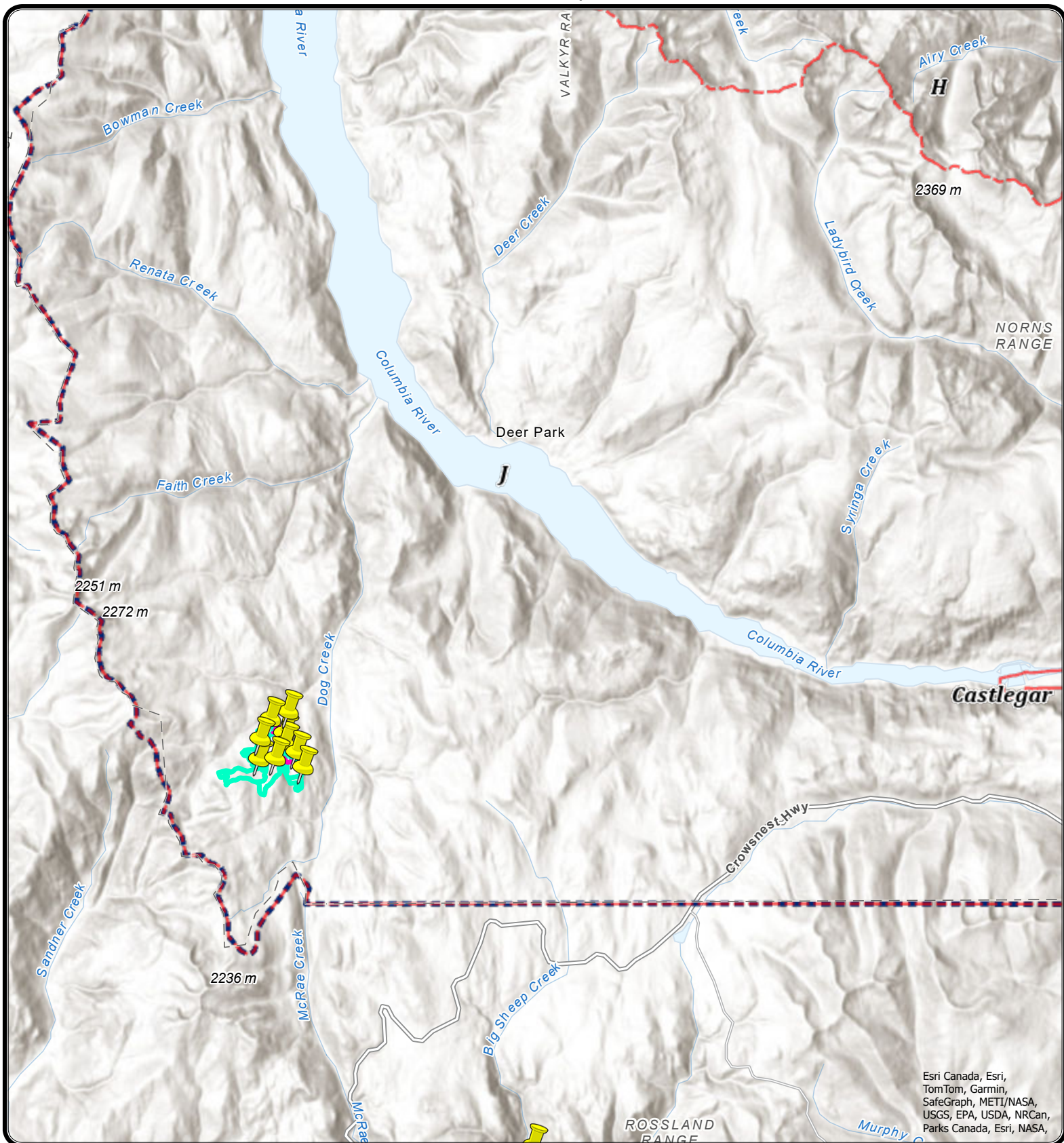
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Esri Canada, Esri,
TomTom, Garmin,
SafeGraph, METI/NASA,
USGS, EPA, USDA, NRCan,
Parks Canada, Esri, NASA,



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RDCK Boundary

Electoral Areas

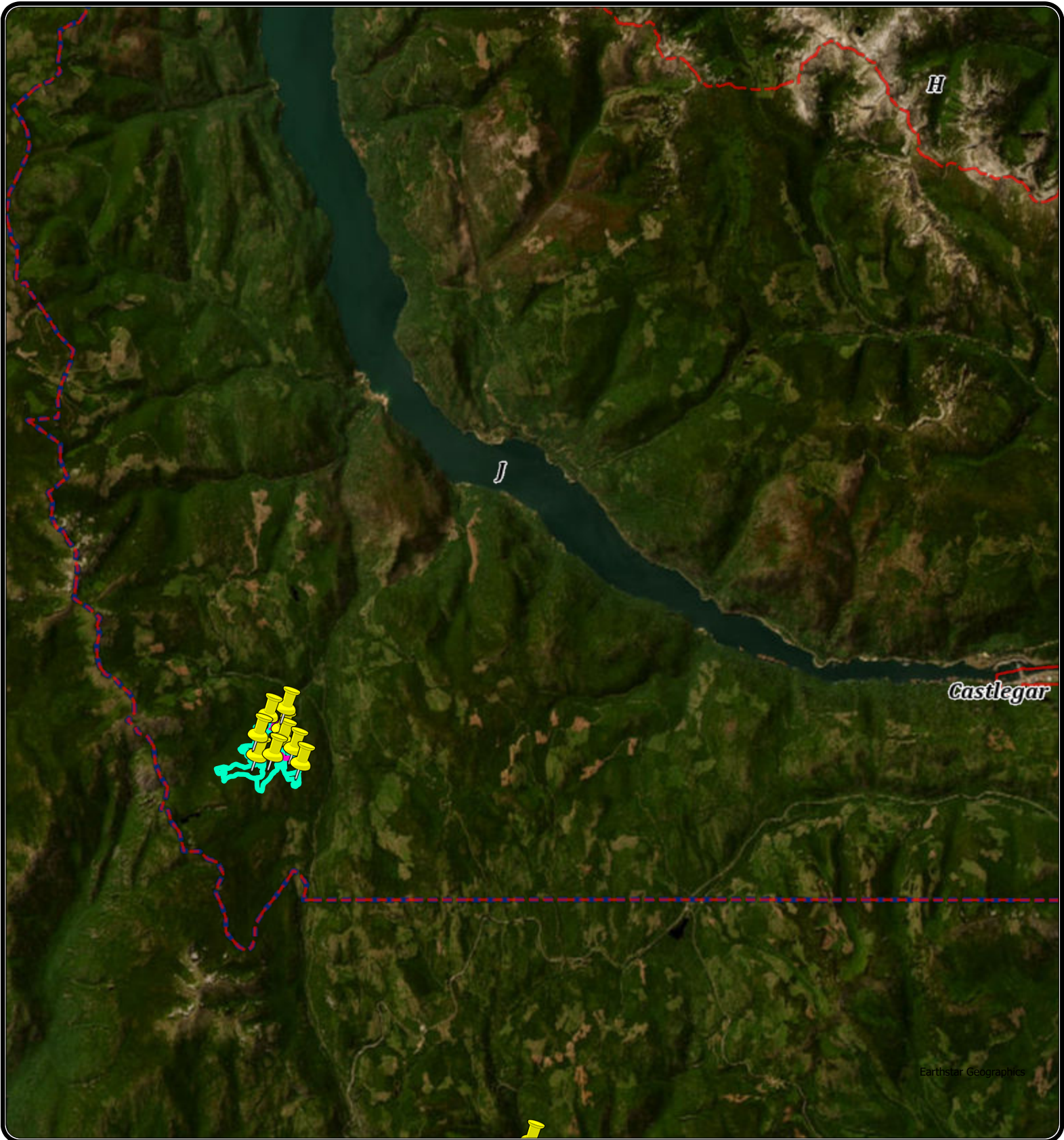
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Legend

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RDCK Boundary

Electoral Areas

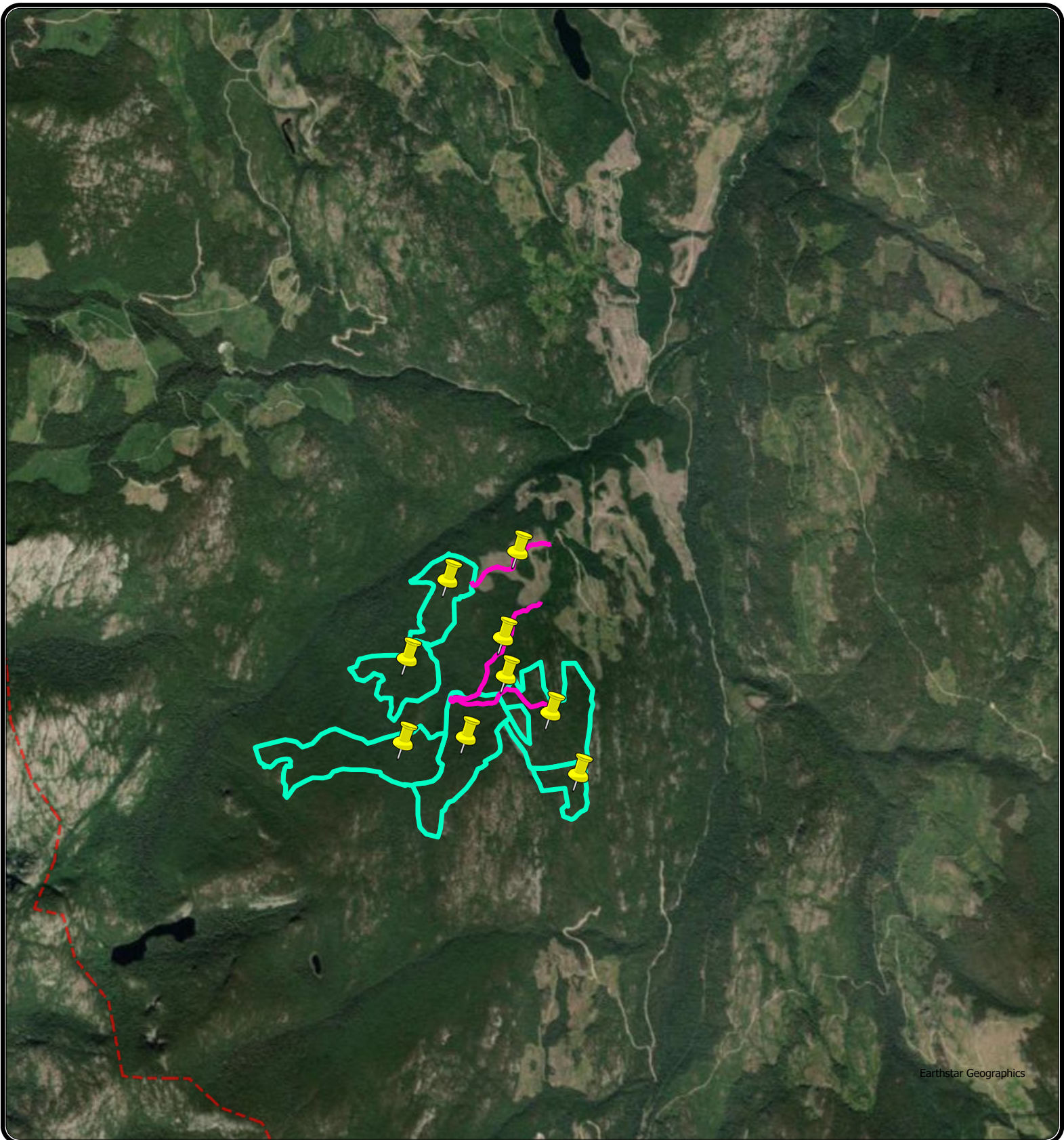
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Date: March 25, 2025



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maps@rdck.bc.ca

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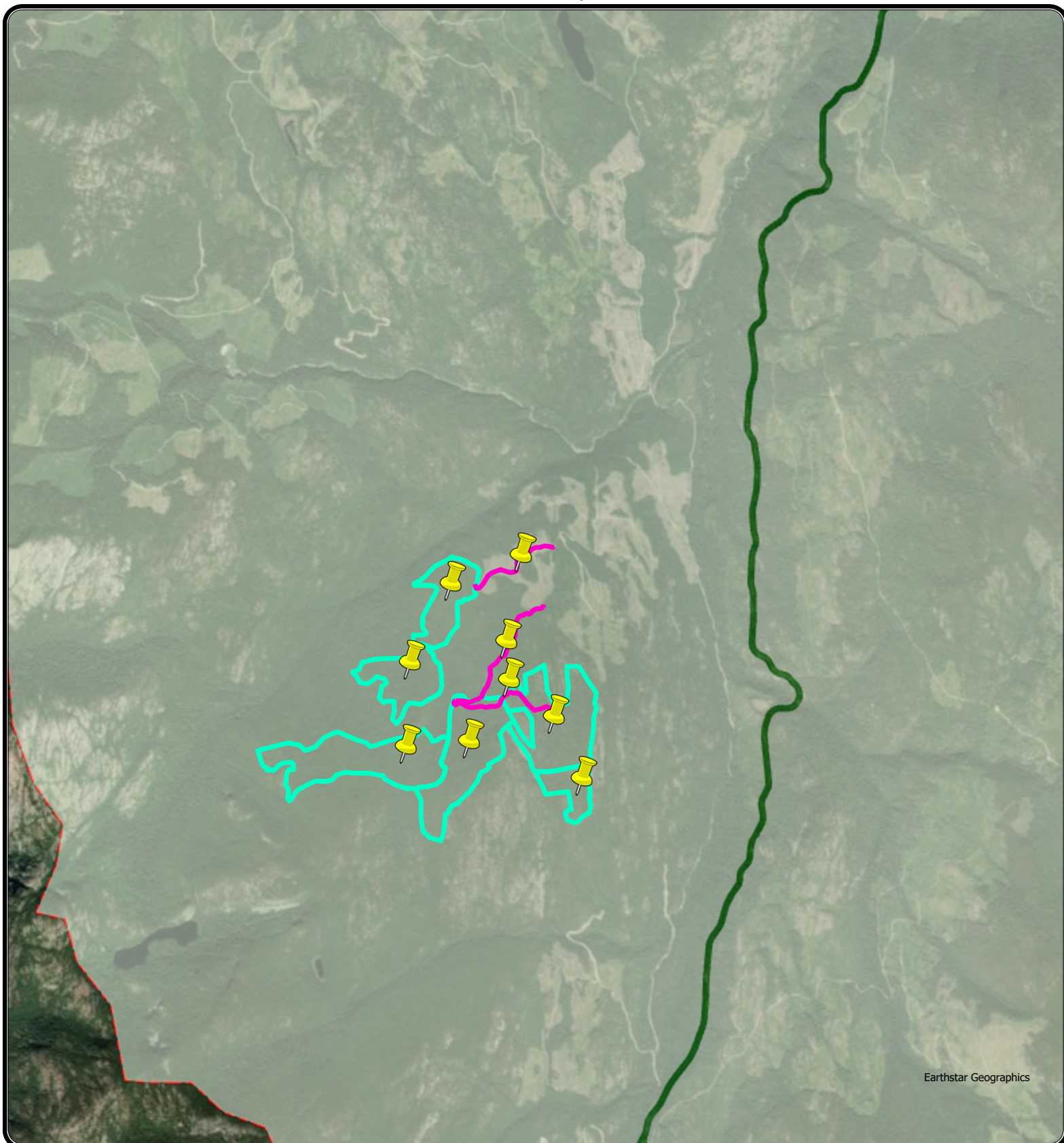
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Official
Community Plan

Open Space

116 Parks and Recreation

Electoral Areas

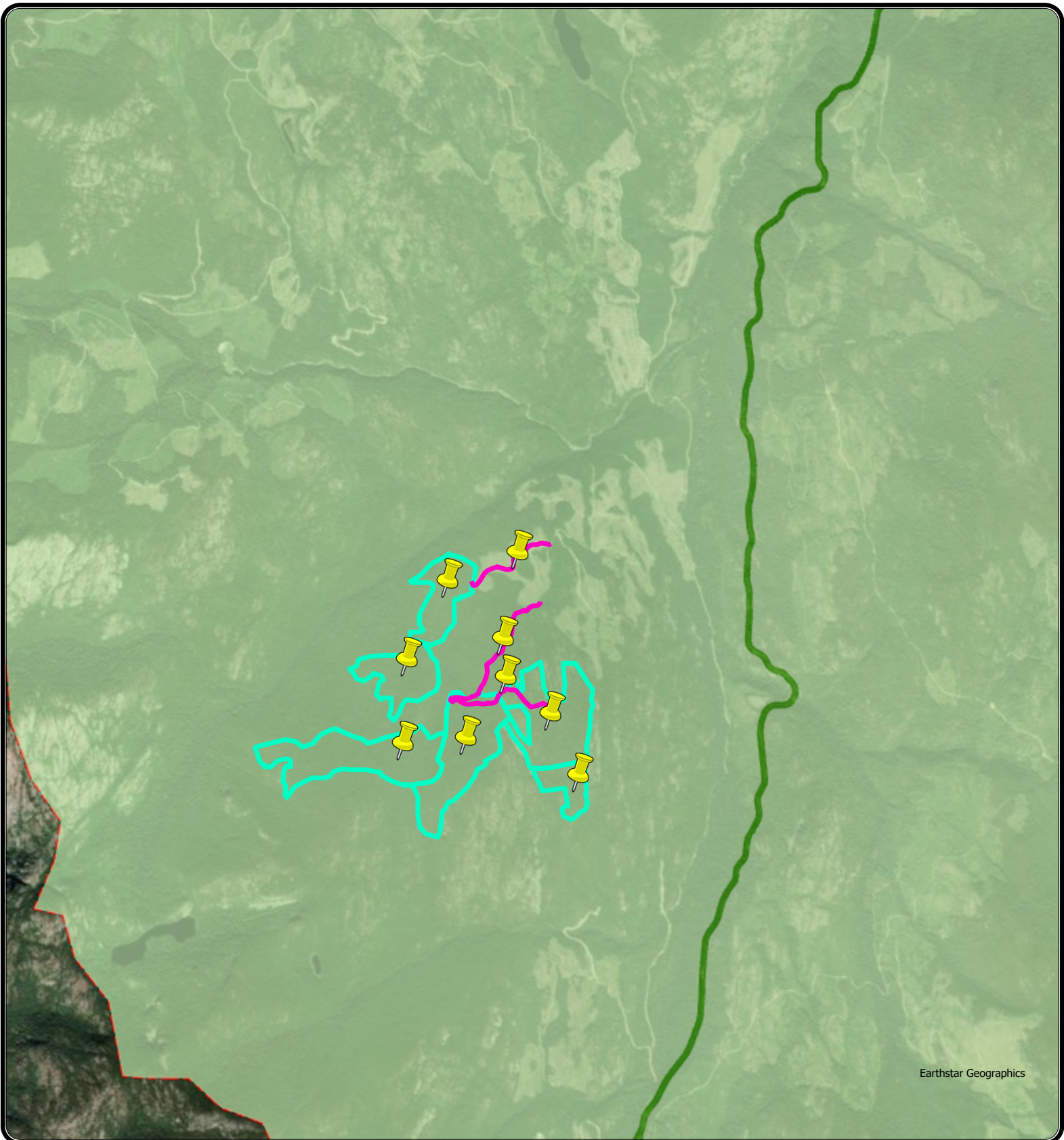
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Zoning Class



Open Space



Parks and Recreation



Electoral Areas

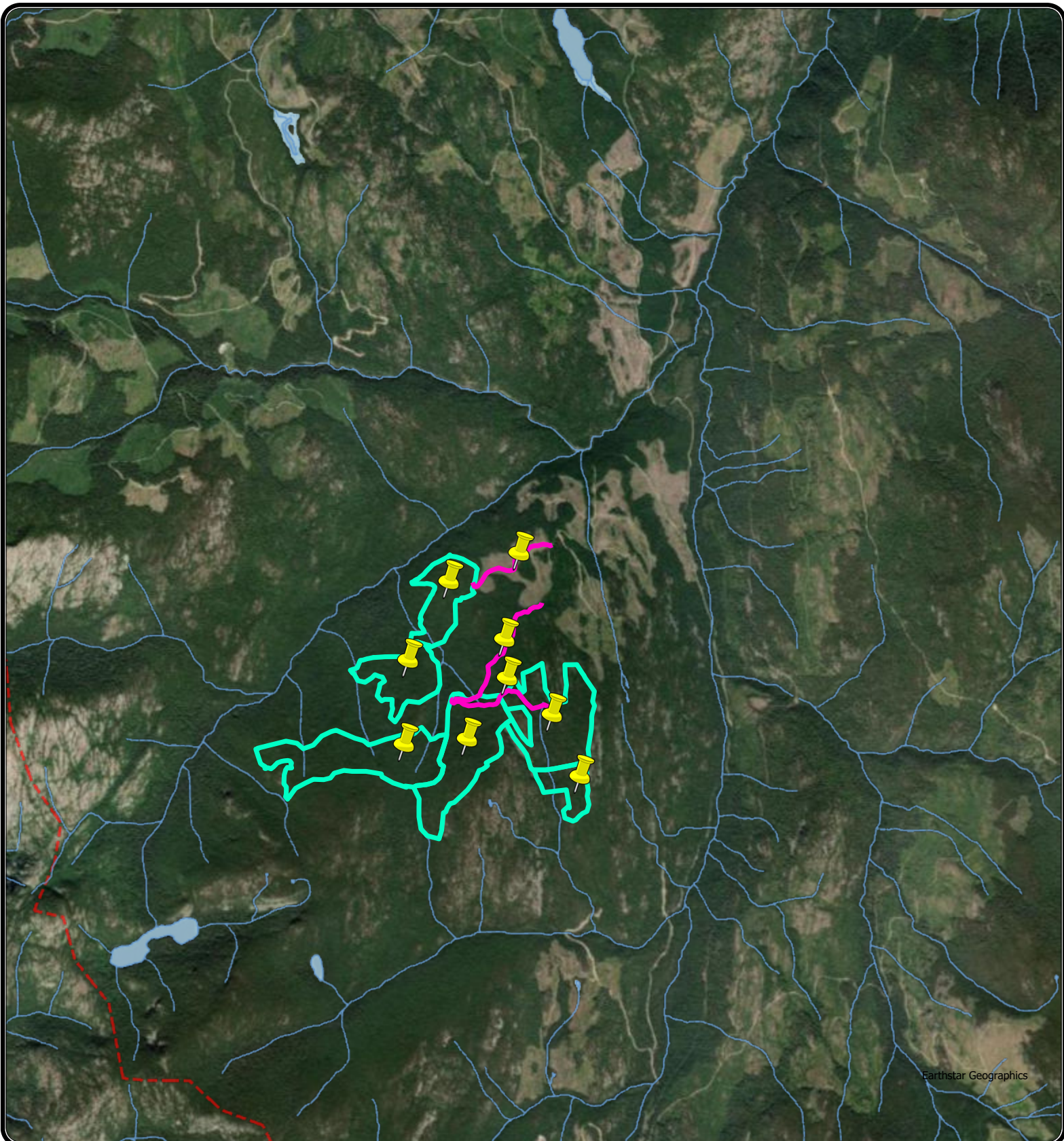
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-  Streams and Shorelines
-  Electoral Areas
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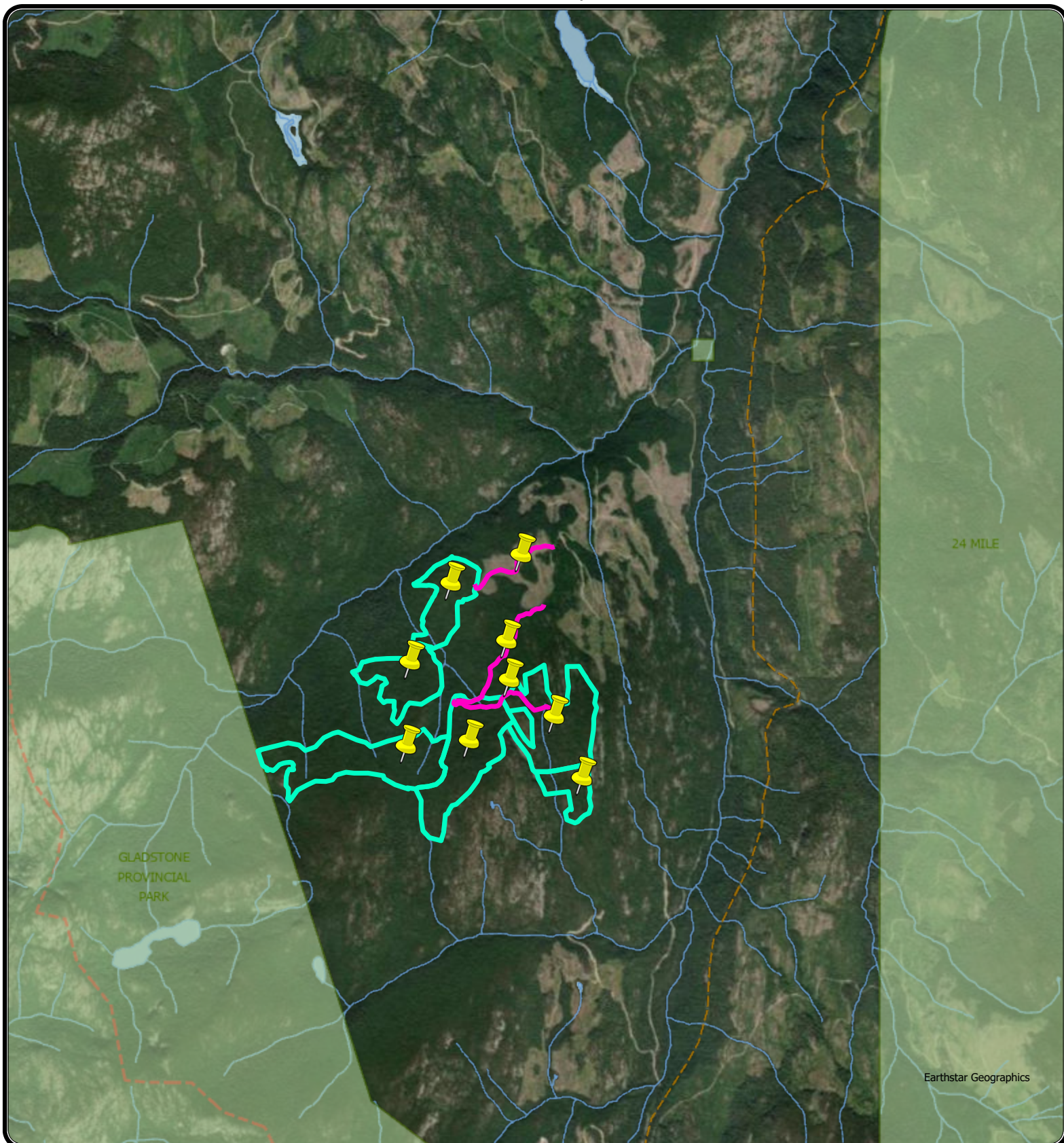
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Parks and Rec

Trails

Lakes and Rivers

Wetlands

119 Streams and Shorelines

Electoral Areas

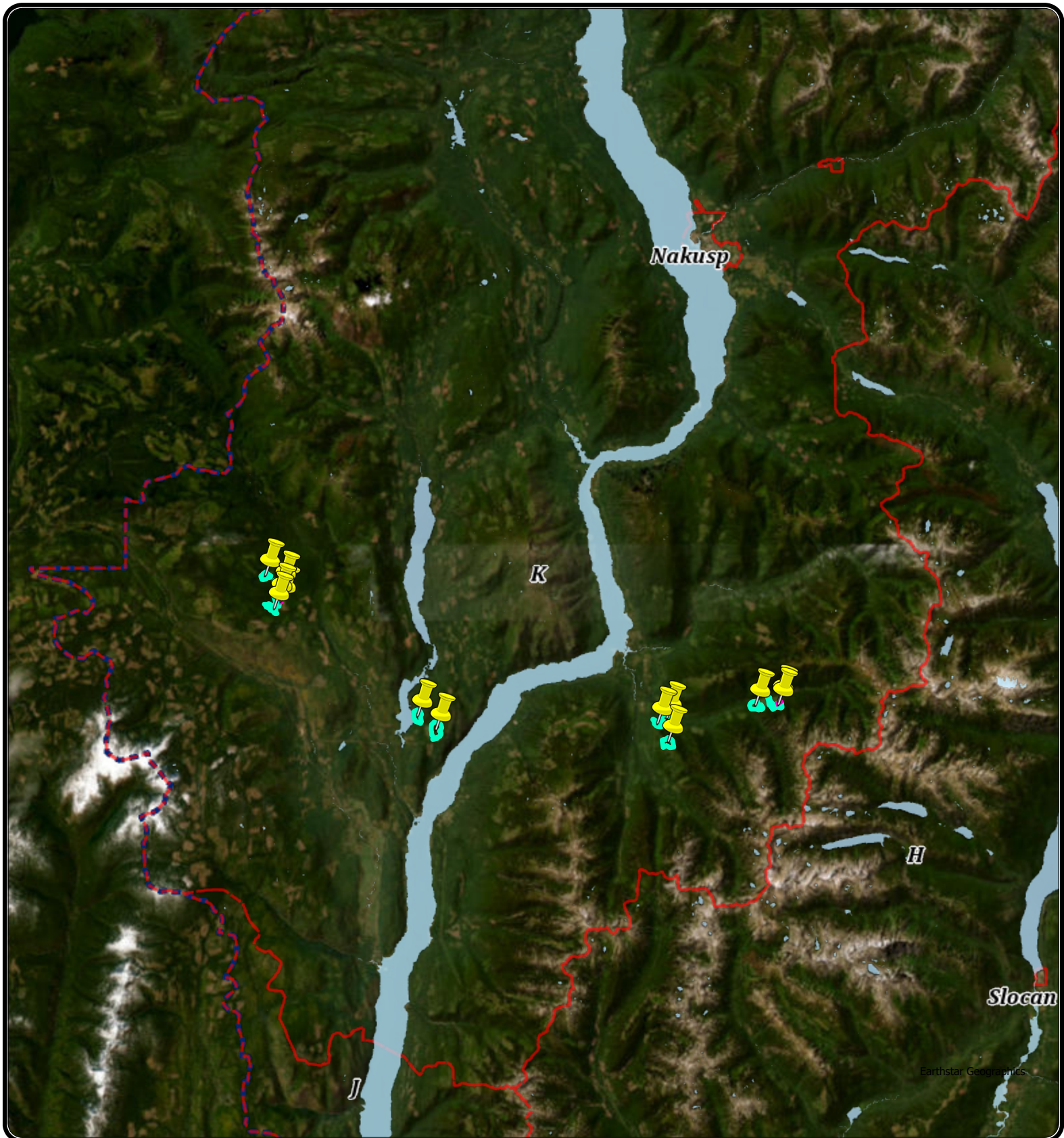
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Legend

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style01

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Lakes and Rivers

RDCK Boundary

Electoral Areas

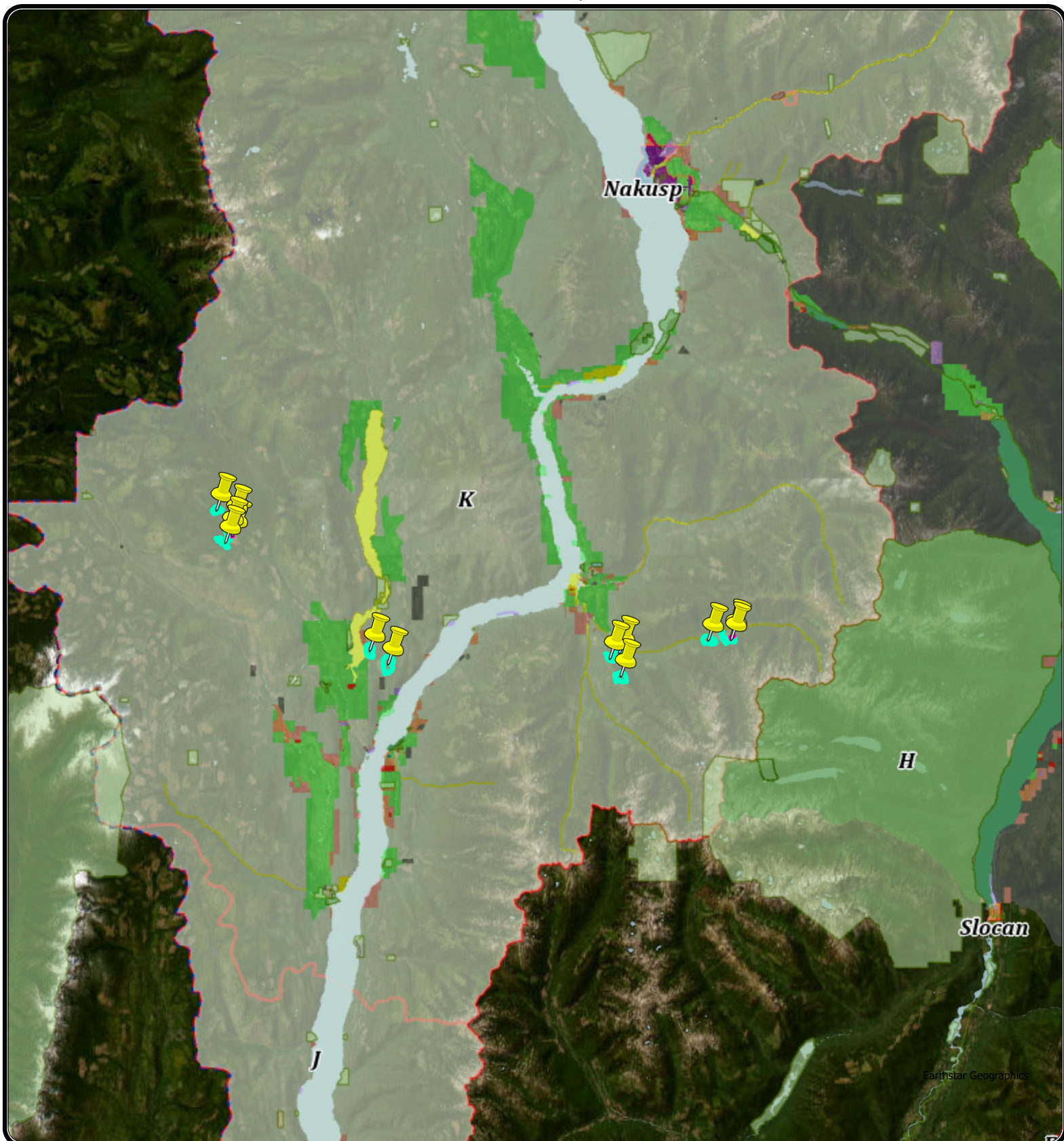
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Legend

1745867053495r32 Official



1745867053495r3



1745867053495r3



121

Community Plan

- Agriculture
- Commercial
- Community Services
- Comprehensive Development
- Country Residential
- Environmental Reserve
- Industrial

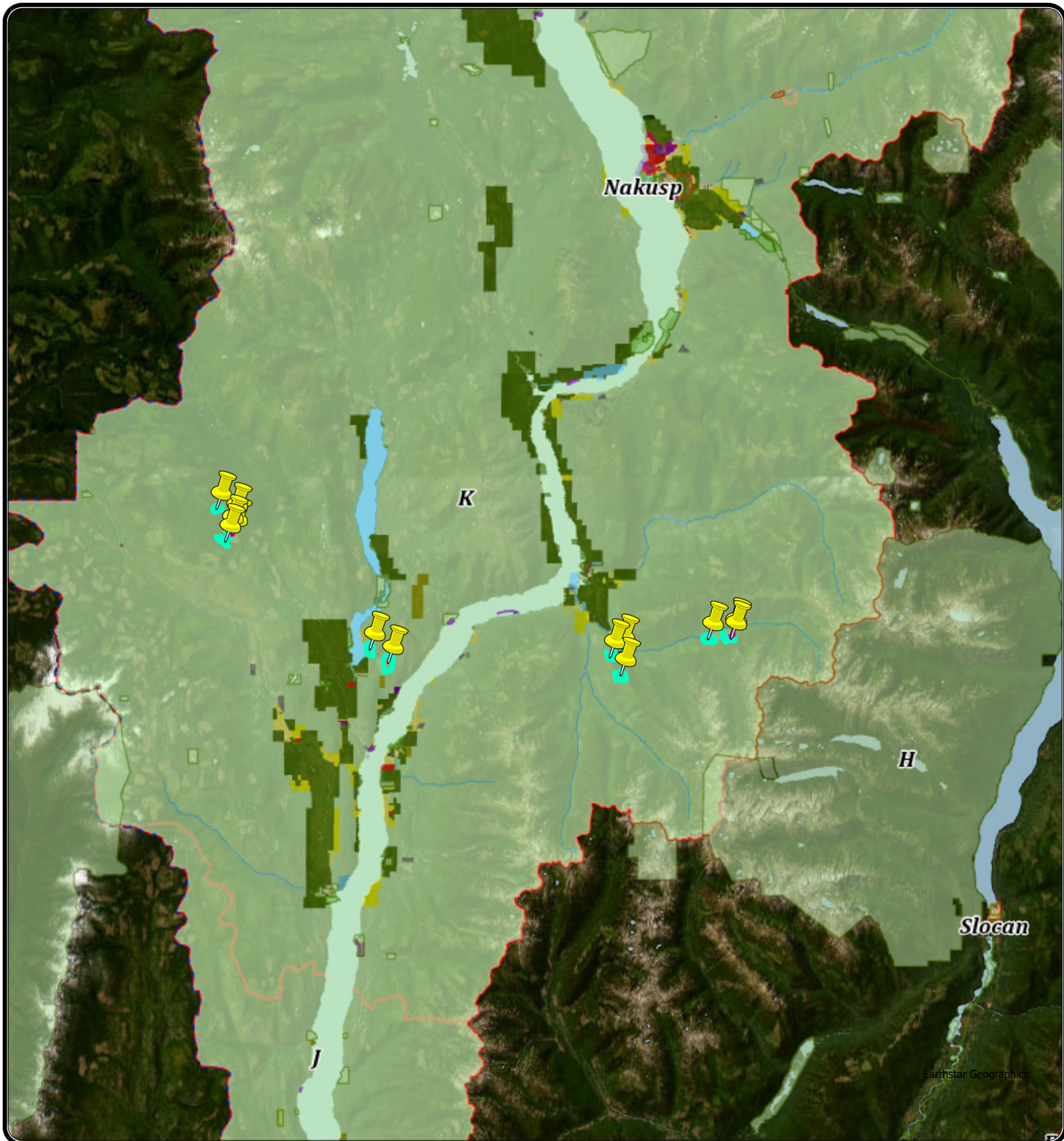
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1745867053495r32 Zoning Class



1745867053495r3

1745867053495r3

122

- Agriculture
- Commercial
- Environmental Reserve
- Industrial
- Institutional
- Lakeshore Development
- Multi-Family Residential
- Open Space
- Parks and Recreation

Map Scale:

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Date: April 28, 2025



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Legend

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Parks and Rec

Lakes and Rivers

RDCK Boundary

Electoral Areas

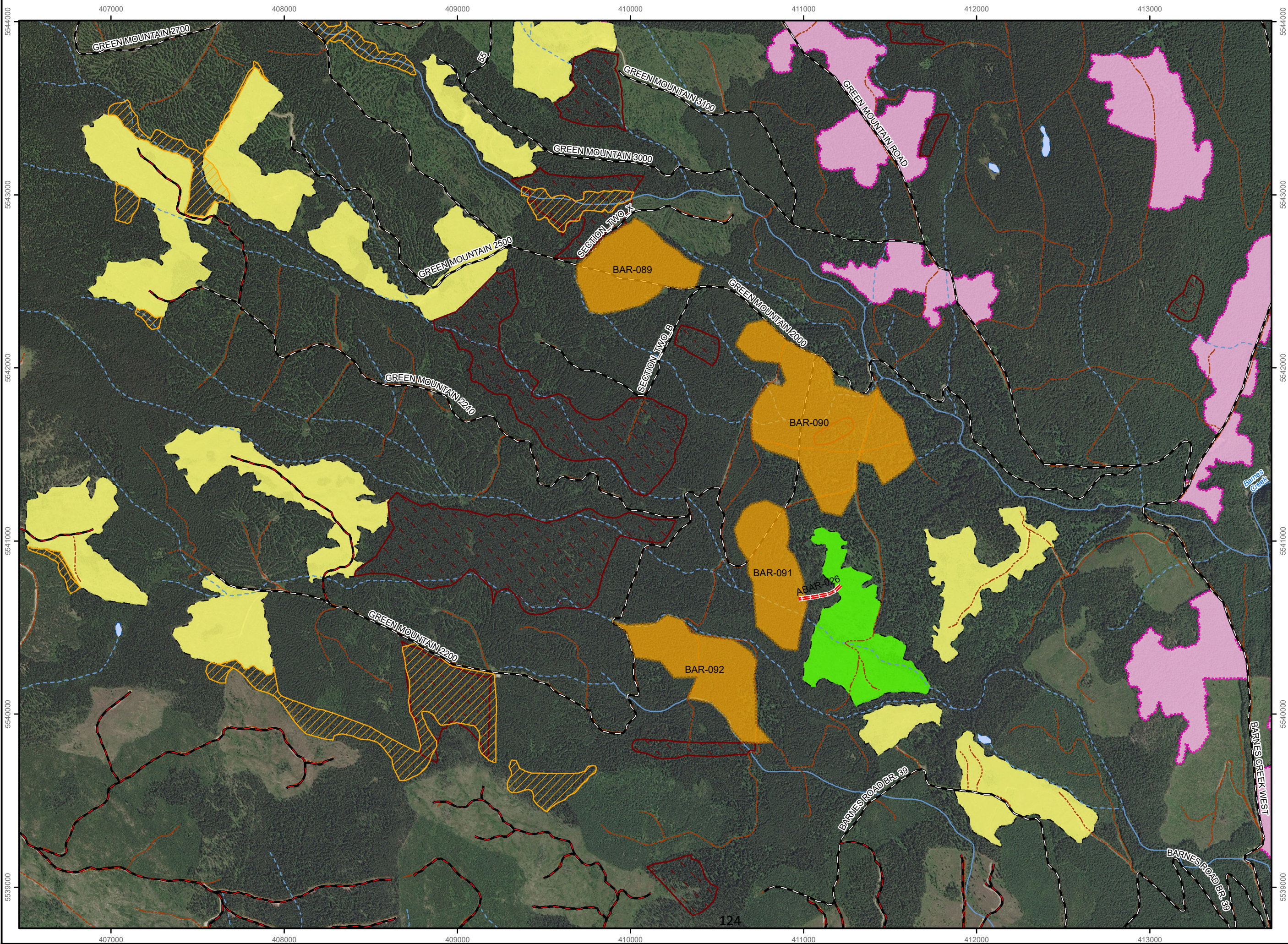
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Attachment C

BCTS

BC Timber Sales

Kootenay Business Area
Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks

Proposed Roads

Proposed Blocks

Road Permit

Forest Service Road

Resource

OG - TAP - Operational Priority Deferral Area

OGMA

Stream

Stream - Intermittent

Lake - Intermittent

Previously Referred Block

Regenerating Block

Free to Grow Block

Key Map Legend

IMPORTANT:

Proposed blocks and roads are preliminary planning shapes only; Final block boundaries and road locations, shape, size and reserve timber will be determined following field work & assessments.

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Kilometers

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Projection: UTM Zone 11, NAD83
Digital Mapping Base: TRIM - 1:20,000
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Attachment C

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BC Timber Sales Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks
Proposed Roads
Proposed Blocks

Road Permit

Forest Service Road

Resource

OG - TAP - OperationalPriorityDeferralArea

OGMA

Stream

Stream - Intermittent

Lake

Woodlot

Previously Referred Block

Regenerating Block

Free to Grow Block

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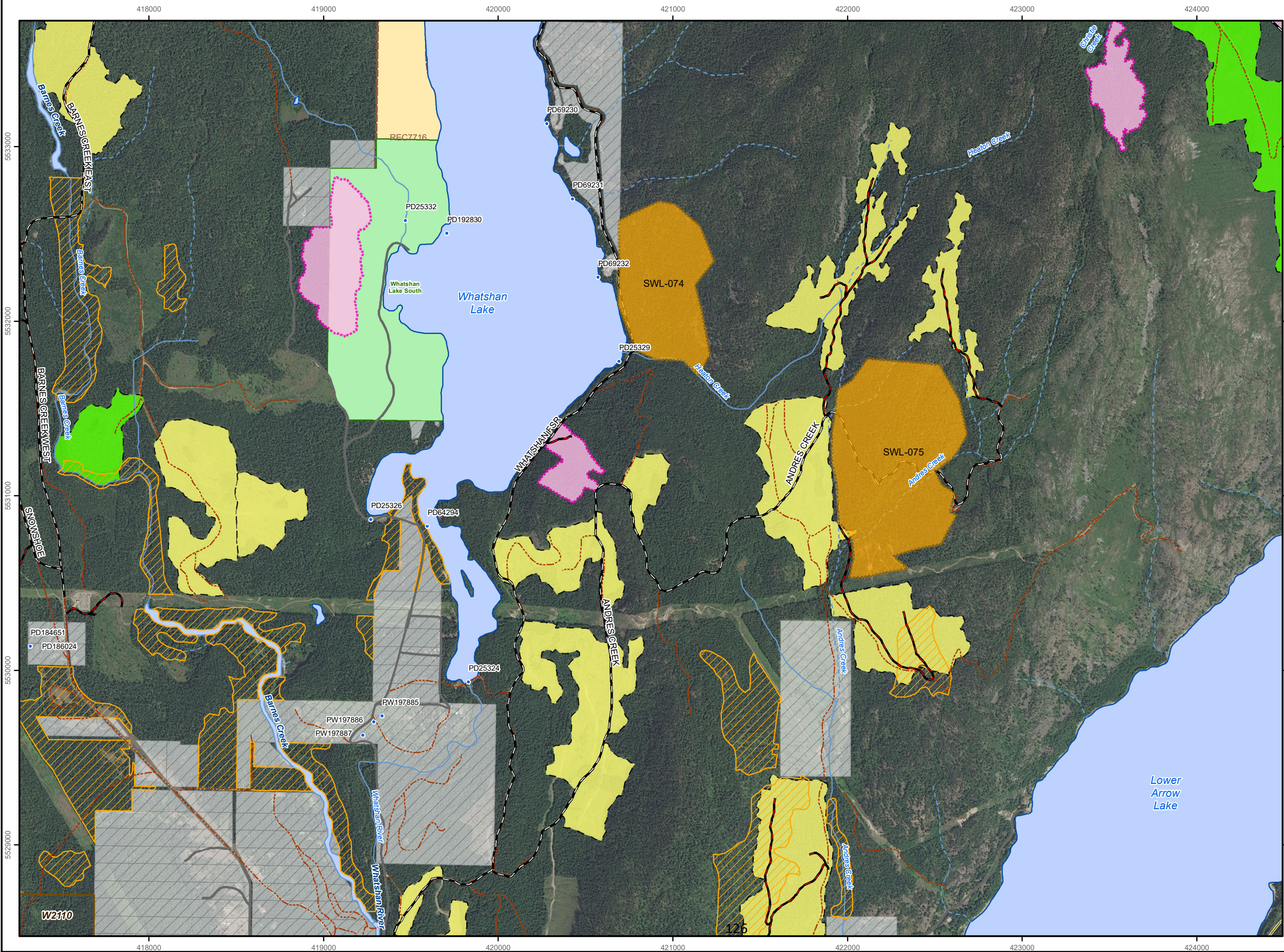
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Attachment C

BCTS Kootenay Business Area
BC Timber Sales Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks
Proposed Roads
Proposed Blocks

- BCGW - Points of Diversion
- Road Permit
- Forest Service Road
- Highway/Freeway
- Paved Road
- Trail
- Resource
- OG - TAP - OperationalPriorityDeferralArea
- Stream
- Stream - Intermittent
- River
- Lake
- Woodlot
- Private Land
- Previously Referred Block
- Regenerating Block
- Free to Grow Block
- Parks and Protected Areas
- Recreation Area

Key Map Legend

IMPORTANT:
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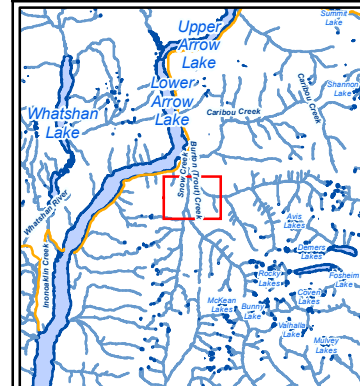
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Arrow OpPlan 26

Proposed Roads and Blocks

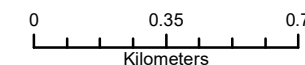
- Proposed Roads
- Proposed Blocks

- BCGW - Points of Diversion
- Road Permit
- Forest Service Road
- Paved Road
- Resource
- Recreation Trail
- OGMA
- Stream
- Stream - Intermittent
- River
- Woodlot
- Private Land
- Previously Referred Block
- Regenerating Block
- Free to Grow Block



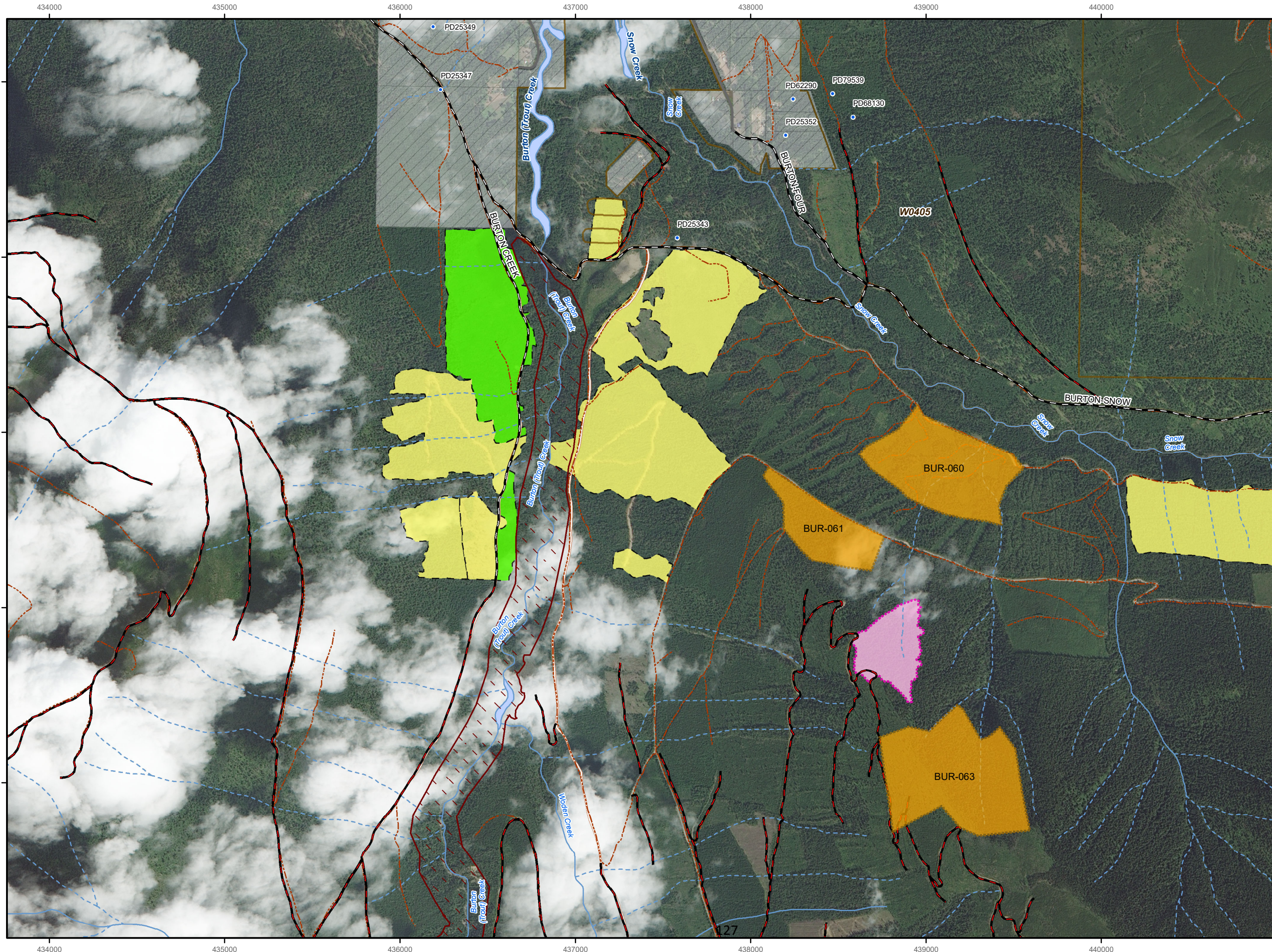
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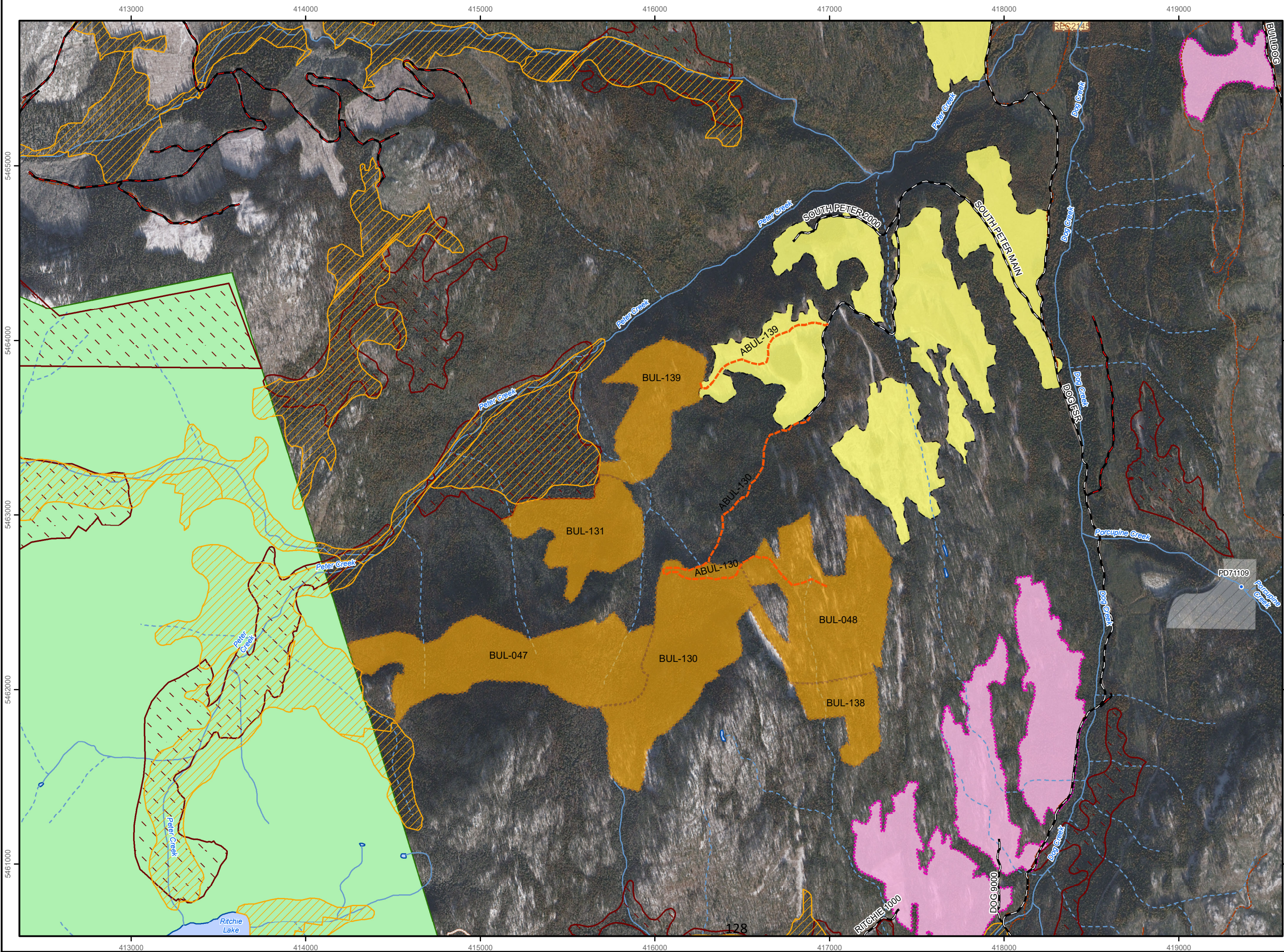
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Attachment C

BCTS

BC Timber Sales

Kootenay Business Area
Referral Map

Field Team/Operating Plan #

Arrow OpPlan 26

Proposed Roads and Blocks

Proposed Roads

Proposed Blocks

BCGW - Points of Diversion

Road Permit

Forest Service Road

Lower Arrow Lake

Christina Lake

Key Map Legend

IMPORTANT:

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Kilometers

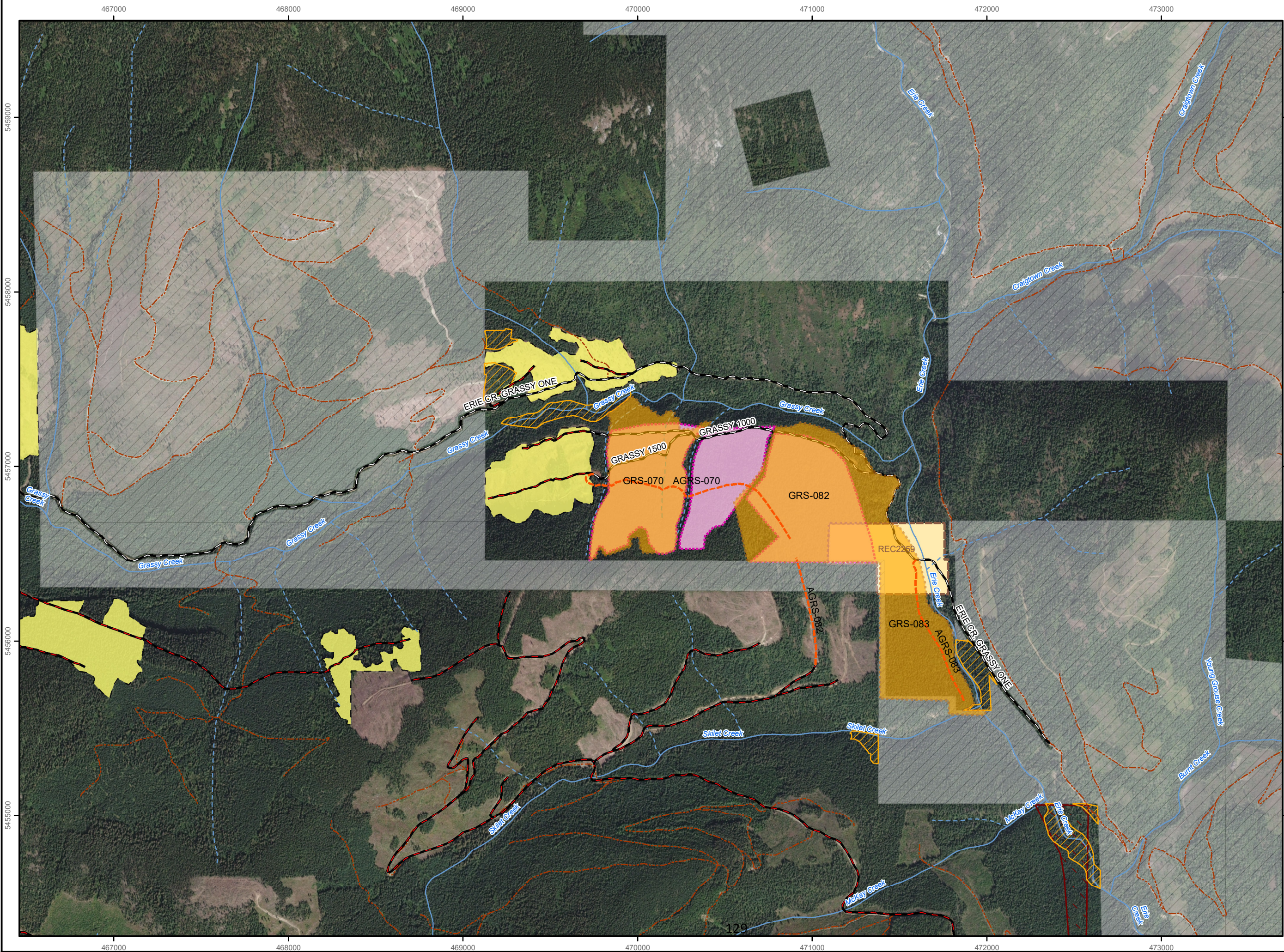
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Attachment C

BCTS Kootenay Business Area
BC Timber Sales Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks
Proposed Roads
Proposed Blocks

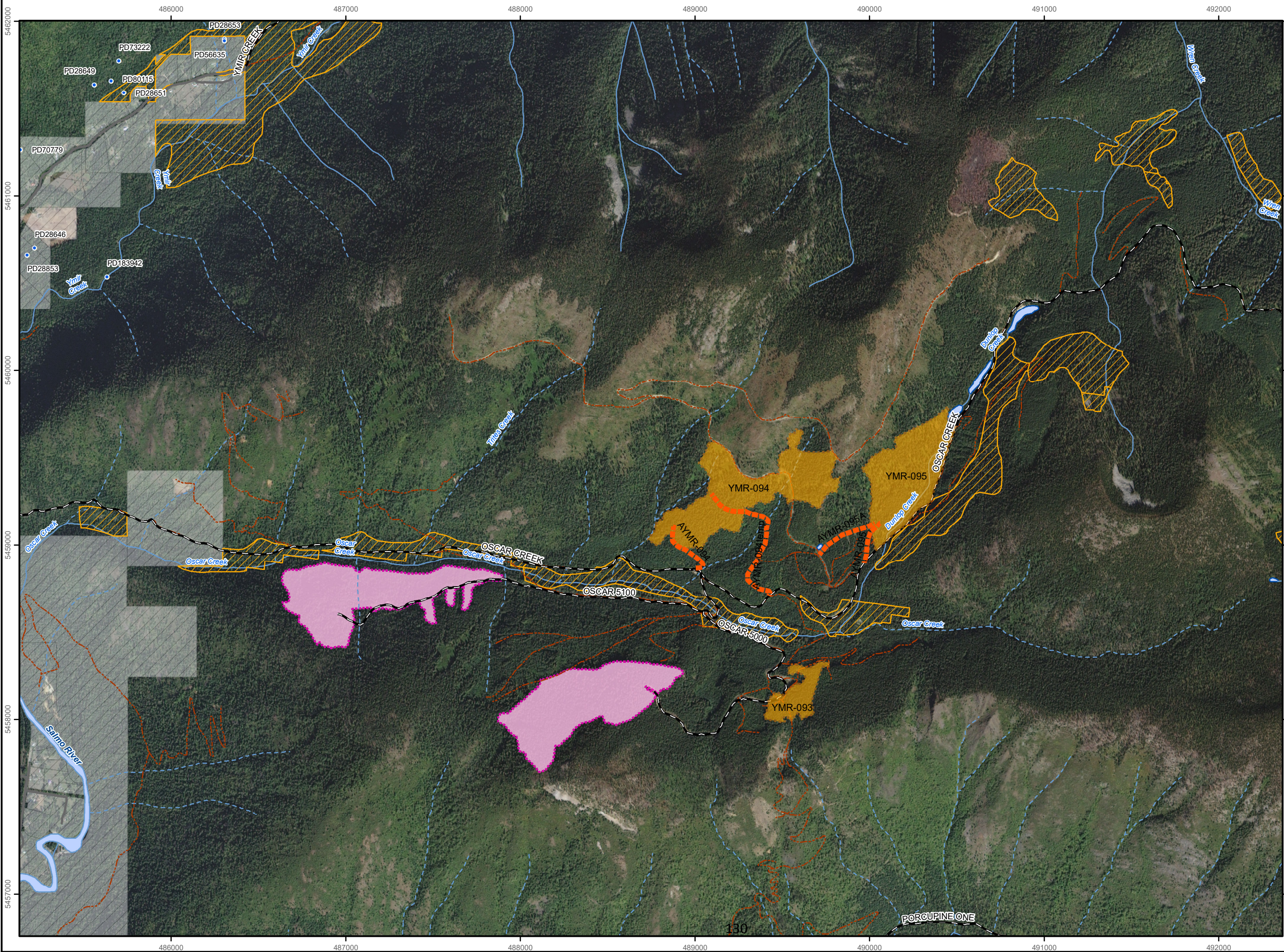
— Road Permit
— Forest Service Road
— Resource
— OG - TAP - Operational Priority Deferral Area
— OGMA
— Stream
— Stream - Intermittent
— Private Land
— Previously Referred Block
— Regenerating Block
— Recreation Area

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BCTS Kootenay Business Area
BC Timber Sales Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks
Proposed Roads
Proposed Blocks

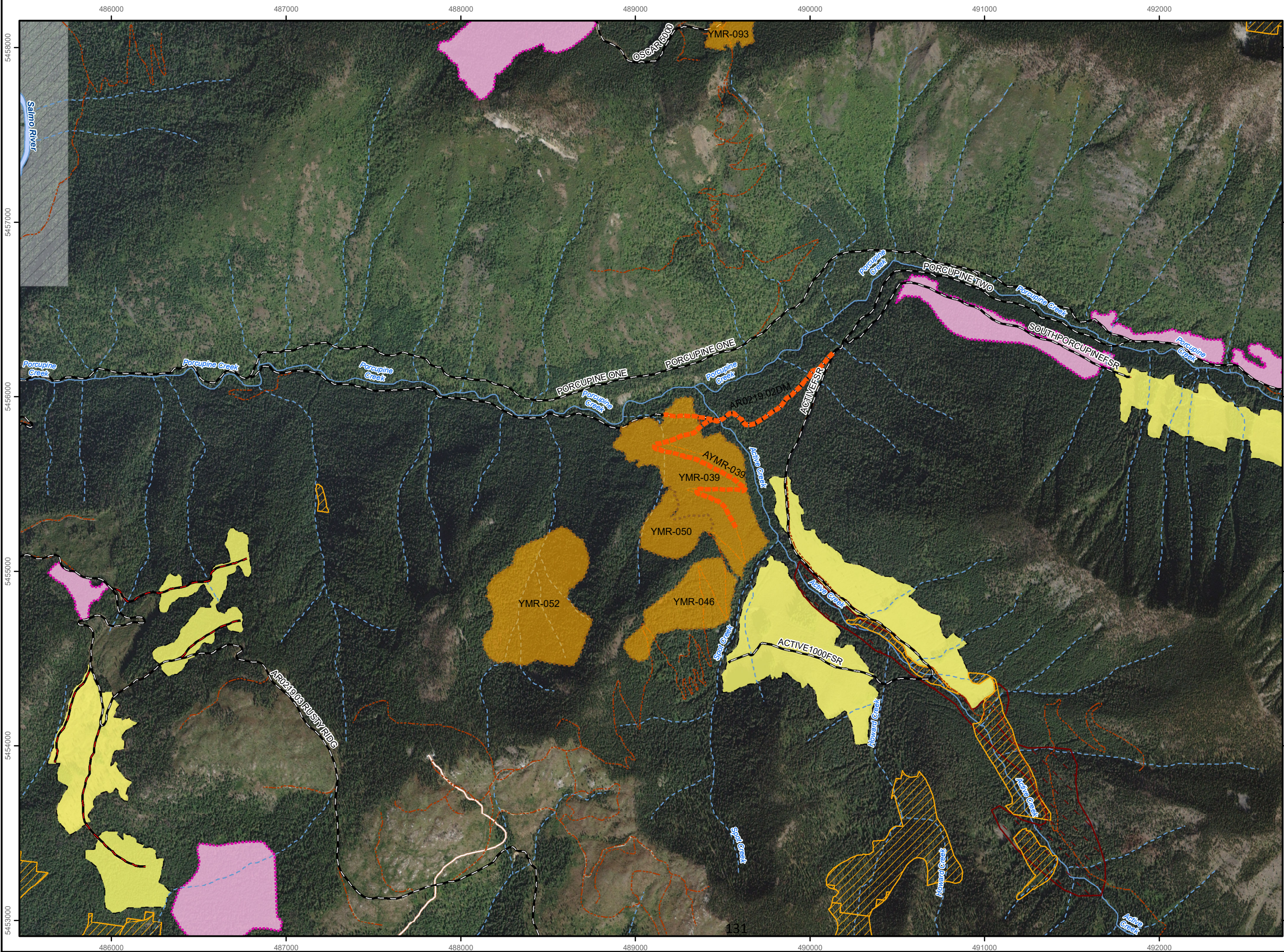
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- Trail
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Attachment C

BCTS

BC Timber Sales

Kootenay Business Area
Referral Map

Field Team/Operating Plan #
Arrow OpPlan 26

Proposed Roads and Blocks

Proposed Roads

Proposed Blocks

Road Permit

Forest Service Road

Resource

Recreation Trail

OG - TAP - Operational Priority Deferral Area

OGMA

Stream

Stream - Intermittent

River

Private Land

Previously Referred Block

Regenerating Block

Key Map Legend

Village

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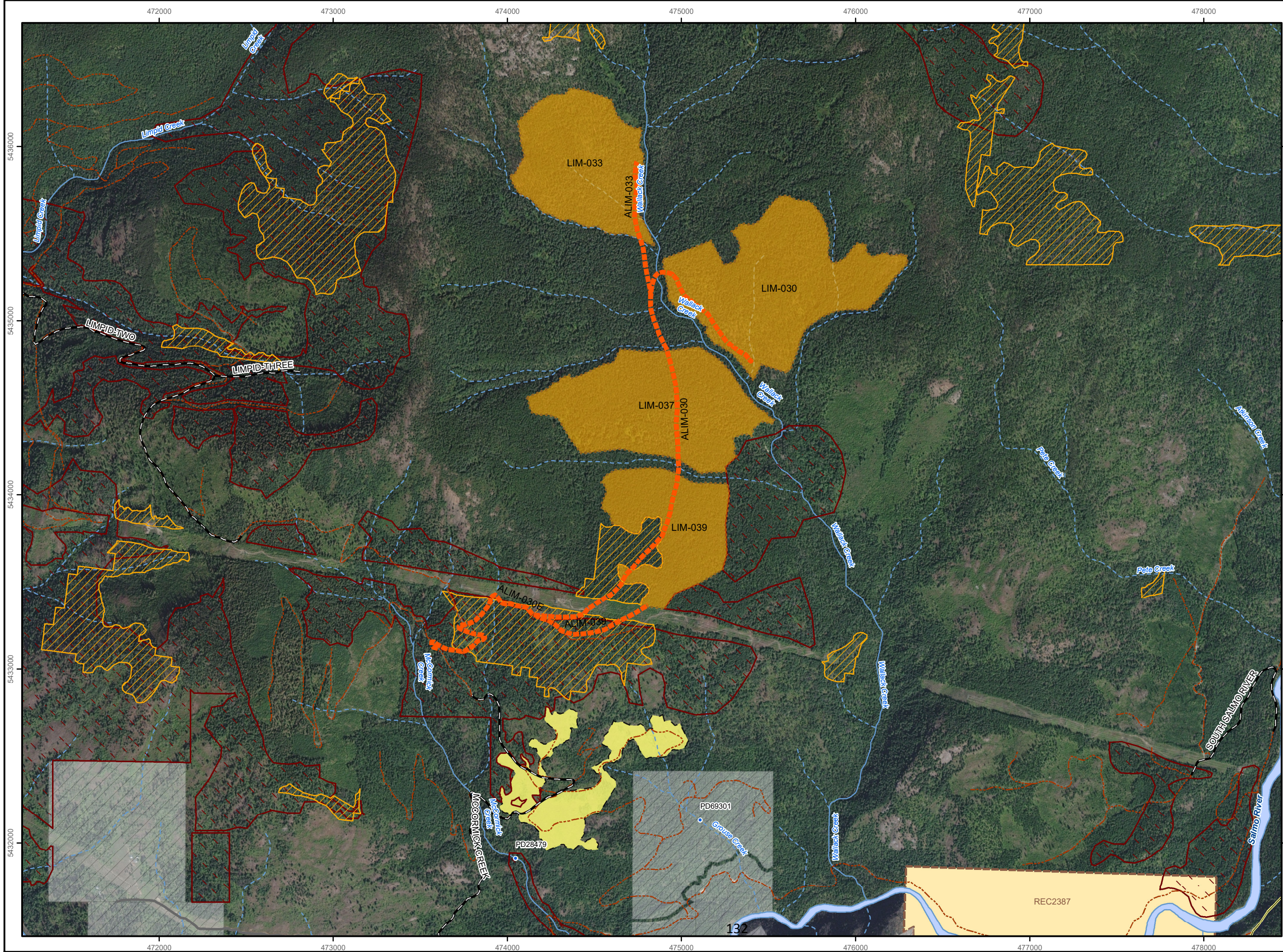
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BC Timber Sales Referral Map

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Proposed Roads
Proposed Blocks

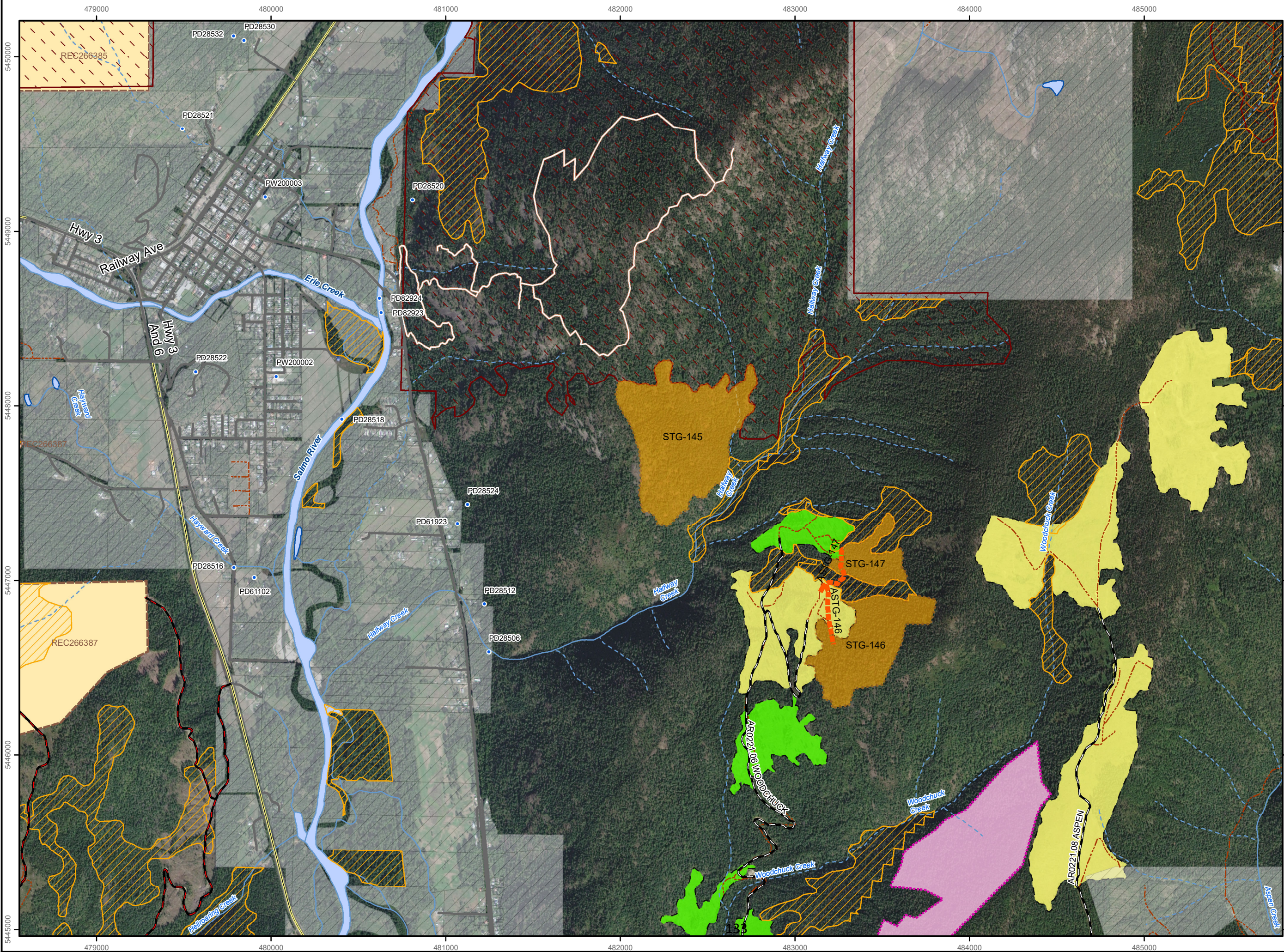
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Key Map Legend
Village

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Committee Report – For Information

April 16, 2025

Planning Services Workplan Review Update

Author: Nelson Wight, Planning Manager

File Reference:

Electoral Area/Municipality: ALL ELECTORAL AREAS

Services Impacted

1.0 PURPOSE OF REPORT

The purpose of this report is to present the outcomes of the Planning workshops held in February and December 2024, which were convened to gather input from Electoral Area Directors on the delivery of planning services at the RDCK. The main intent of this process is to develop an updated work plan for community planning services at the RDCK.

These workshops, supported by pre-session surveys and interactive discussions, provided an opportunity for electoral area directors and staff to engage on community planning challenges, explore potential improvements, and reflect on regional and local planning approaches.

This report shares what we heard and understood during these engagements and outlines potential approaches to guide planning services going forward, including options for OCP and zoning alignment and incremental improvements to existing practices.

2.0 BACKGROUND AND UPDATE

Planning workshop sessions were held in February and December 2024. Through interactive discussions and strategic reflections, the workshops surfaced key planning challenges and opportunities, including the complexity of managing multiple Official Community Plans (OCPs) and zoning regulations, varying perspectives on regional versus local planning approaches, and the need for improved communication, engagement, and administrative efficiency. These sessions were held to support a collaborative review of current planning service delivery, identify shared challenges, and gather input to inform the development of an updated community planning work plan.

The report summarizes the findings from those engagements, synthesizing the perspectives shared by directors, outlining operational challenges, and identifying key opportunities to improve the planning framework. The report further presents proposed approaches to align planning policies and deliver services more effectively, while maintaining flexibility to reflect local community contexts.

This report presents two proposed approaches for moving forward: (1) aligning OCPs and zoning regulations to improve consistency and efficiency, or (2) maintaining the status quo with targeted incremental updates.

3.0 NEXT STEPS AND TIMELINE

The recommendations outlined in this report will be further elaborated. Electoral Area Directors will be engaged in the next phase of this process to refine priorities and explore preferred approaches to community planning service delivery.

Staff will use this continued engagement to inform the development of an updated work plan for community planning services. The work plan will reflect shared priorities, such as exploring zoning where supported, improving alignment of OCPs, enhancing public engagement, and addressing administrative efficiencies. The updated work plan, shaped through this collaborative process, may be brought back to the Board at a future date for review and endorsement.

CONCURRENCE

Sangita Sudan, General Manager of Development & Community Sustainability **Approved**

Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Planning Insights: Engaging, Learning, and Supporting



PLANNING INSIGHTS

Engaging, Learning, and Supporting

Executive Summary

The February and December 2024 Planning Workshops provided valuable insights into the challenges and opportunities shaping the delivery of planning services at the RDCK. Discussions highlighted key points, including:

- ❖ The complexity of managing multiple Official Community Plans (OCPs) and zoning regulations, which has created administrative complexities and increased staff workload.
- ❖ Differing perspectives on regional vs. local planning approaches, with some directors supporting greater regional coordination and others emphasizing the need to maintain locally focused decision making.
- ❖ The demand for clearer planning frameworks to support decision-making and improve service delivery.
- ❖ The need to explore zoning in currently un-zoned areas, where there is community support, to address land use challenges.
- ❖ The importance of public engagement to ensure higher community participation in planning decisions.
- ❖ Emerging and ongoing community issues and concerns that impact land use planning.

To address these points, the report outlines key recommendations, including strengthening the planning framework, exploring zoning, and considering alternative planning approaches.

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Section I: Engagement & Insights: What We Did and What We Heard

What We Did

Two workshops were held In **February and December 2024** to discuss the work plan for planning services, . Before these sessions, surveys were conducted to gather insights from Electoral Area directors on RDCK's planning services. The workshops provided an opportunity for rural directors and staff to engage in discussions, share perspectives, and explore alternatives..

Key activities included:

- **Facilitated open discussions** for electoral area directors to voice challenges, opportunities, and insights related to community planning, aiming to enhance the delivery of RDCK's planning services.
- **Presented survey findings** to identify common themes, shared challenges, and potential opportunities for improving planning services.
- **Engaged in interactive sessions** focused on improving communication, engagement, and understanding priorities.
- **Discussed planning concepts and strategic frameworks**, such as regional growth strategies while exploring planning approaches by discussing alignment, modernization, and strategic priorities at the regional and local levels.
- **Captured feedback through roundtable reflections** to understand key concerns and potential solutions as well as First Nations engagement objectives.
- **Shared best practices** by learning from other regional districts' experiences in planning and governance.
- **Compiled observations and recommendations** to support the delivery of planning services and identify opportunities for improvement, offering insights for consideration in future discussions.

What We Heard

During the **February and December workshops**, rural directors and staff shared perspectives on community planning, regional growth, and governance challenges. The discussions highlighted common concerns, priorities, and potential pathways for future action. The Workshops provided an opportunity to share perspectives on various planning challenges and opportunities.

Through open discussions, directors highlighted several key themes and areas of focus that will inform future planning efforts. These included priorities related to zoning, OCP alignment, community engagement, and the efficient use of resources. Below are the main insights gathered during the workshops:

Figure 1: What We Heard



Summary

The February and December workshops in 2024 brought together RDCK rural directors and staff to discuss land use planning challenges, priorities, and opportunities. Through open discussions, interactive sessions, and strategic reflections, participants examined challenges, identified priorities, and explored ways to enhance regional coordination, communication, and governance while maintaining local autonomy. Key takeaways included varied perspectives on the need for change, the necessity of zoning regulations in certain communities, and a focus on efficient use of resources, and public engagement. Directors emphasized the importance of regulatory mechanisms like zoning, exploring opportunities to align OCP policies that are similar across electoral areas, navigating provincial funding and policy challenges. The insights gathered will guide staff in shaping the work plan and identifying priority areas within the local and regional planning framework.

Section II: Findings & Insights: What We Learned and Understood

This section presents an analysis of the key insights identified during the workshops, examining root causes and impacts.

What We Learned

The key insights from the workshops have been summarized below, outlining various perspectives, associated concerns and considerations.

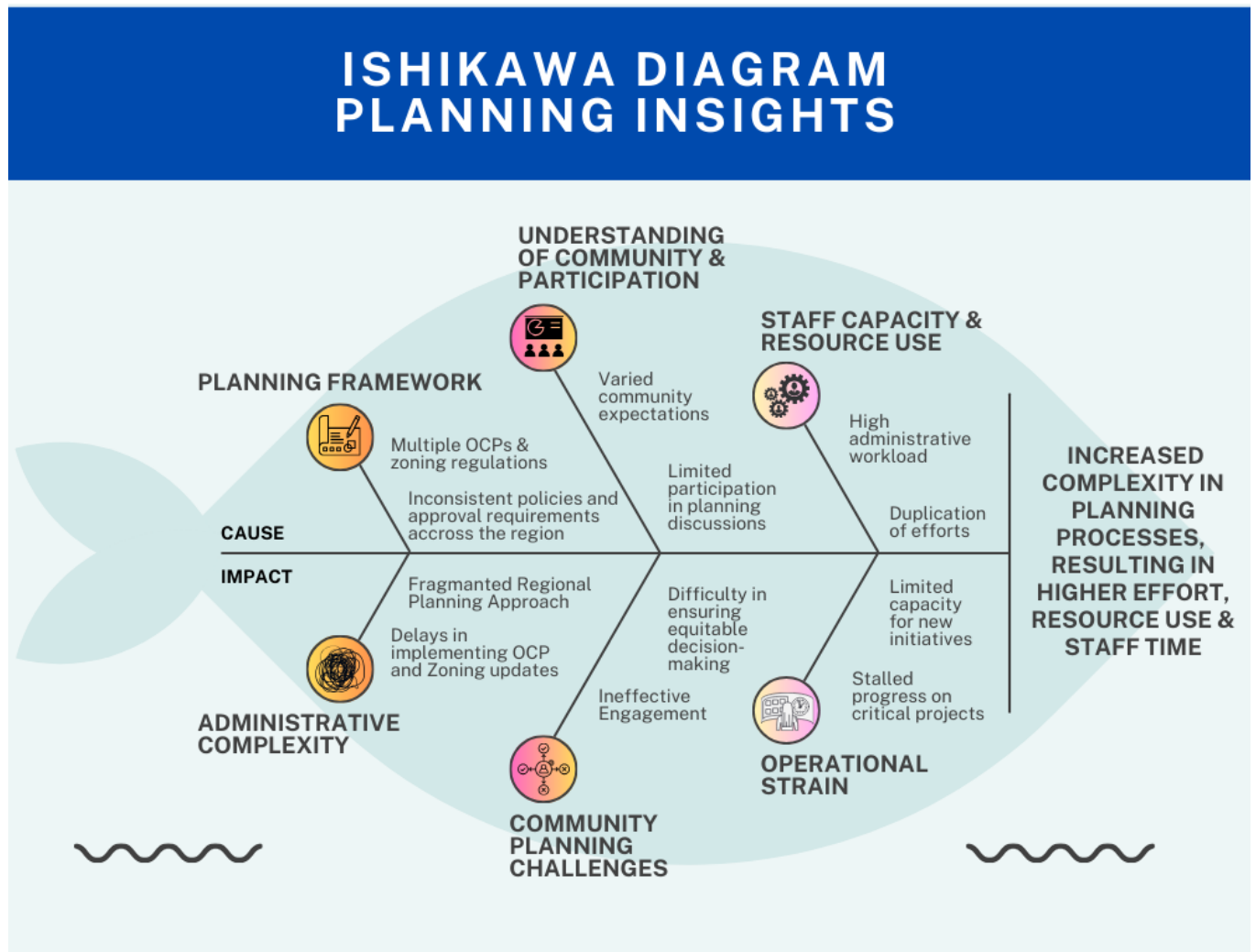
Table 1 Perspectives and Considerations

Theme	Perspectives	Considerations
<i>Planning Framework</i>	Some directors see benefits in a regional planning framework, while others emphasize the importance of maintaining locally focused decision-making.	➤ Clarifying the role and scope of a regional planning framework. ➤ Balancing regional priorities with local needs while ensuring community-specific interests are recognized and integrated.
<i>Zoning and Official Community Plan (OCP) Alignment</i>	Some directors support introducing zoning in some un-zoned areas, while others highlight that communities without zoning may prefer to stay un-zoned.	➤ Aligning OCPs while maintaining flexibility to reflect different community characteristics.
<i>Use of Resources and Administrative Efficiency</i>	Some directors suggest that additional funding may be needed for efficiency, while others see opportunities to refine planning framework and improve resource allocation.	➤ Strengthening the planning framework to optimize administrative workflows and staff capacity, guiding the need for additional resources.
<i>Public Engagement and Communication</i>	Some directors see the need for increased engagement to gather community perspectives, while others note that current methods may not always result in broad participation.	➤ Encouraging participation that aligns with community expectations while maintaining transparency in decision-making.

What We Understood

The presence of multiple OCPs and zoning regulations demands substantial effort, staff time, and resources, adding unnecessary complexity to planning processes. This results in administrative burdens and operational inefficiencies, which collectively affect the ability to efficiently address community needs, respond to emerging issues, and maintain consistency in policy development.

Figure 1 Ishikawa Diagram



The Ishikawa diagram, also known as a fishbone diagram, illustrates the key factors contributing to increased complexity in planning processes. It identifies root causes across categories such as the planning framework, understanding of community and participation, and staff capacity and resource use—leading to administrative complexity, community planning challenges, and operational strain. These factors collectively affect resource use, staff time, and overall efficiency in planning processes.

Opportunities and Challenges

The following table summarizes the opportunities and challenges discussed during the workshop, providing a clear overview of areas for growth and obstacles to address.

Table 2 Opportunities and Challenges

 Opportunities • Strong interest in community engagement. • Potential for innovative and localized planning approaches. • Opportunities for collaboration across region. • Ensuring unique community identities are reflected in planning.	 Challenges • Differing priorities and expectations among residents. • Rising costs and development pressures. • Communication gaps between municipalities and rural directors. • Navigating funding constraints and external dependencies.
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Summary

The February and December workshops provided valuable insights into the challenges and complexities of community planning in the RDCK. Discussions reaffirmed that multiple OCPs and zoning regulations require significant effort, staff time, and resources, increasing administrative complexity and making planning processes more demanding. This has led to operational inefficiencies, delays in policy formulation, and difficulties in responding to emerging community needs.

Key takeaways include the importance of balancing regional coordination with local flexibility, Zoning and OCP Alignment, Public Engagement and Participation etc. Ishikawa (Fishbone) Diagram highlights how challenges related to the planning framework, community participation, and staff capacity contribute to increased complexity, duplication of efforts, and constraints in addressing long-term priorities.

Moving forward, these insights will help inform discussions on streamlining the planning framework, optimizing resource use, and fostering a more aligned and responsive planning approach to meet the needs of communities across the RDCK.

A full-page photograph of a person riding a bicycle on a paved path that winds through a forest. The trees are covered in vibrant autumn foliage, with leaves in shades of yellow, orange, and some green. The ground is covered with fallen leaves. The cyclist is wearing a light blue long-sleeved shirt and dark pants. The path leads into the distance, flanked by tall trees.

Section III: Recommendations: How We Can Support and What We Propose

This section builds on the insights from the workshops, outlining key takeaways and identifying ways to support planning efforts moving forward. It includes an analysis of what we heard, what we understood, and how we can support, followed by specific recommendations regarding planning processes, and resource allocation.

How We Can Support

The workshops provided valuable insights into planning challenges and opportunities, highlighting key areas where staff can support.

Table 3 Key Takeaways – What We Heard, What We Understood, and How We Can Support

Theme	What We Heard	What We Understood	How We Can Support
<i>Planning Framework</i>	Directors had differing views on regional planning approaches—some supported regional coordination, while others emphasized local decision-making.	A clear planning framework is essential to balance regional priorities with local flexibility while ensuring consistency across policies.	Provide clearer guidance on aligning planning policies while preserving community-specific priorities.
<i>Zoning and OCP Alignment</i>	Some directors supported introducing zoning in un-zoned areas, while others highlighted that un-zoned communities might prefer their existing approach.	Utilizing zoning to address land use issues is a high priority. Zoning can provide regulatory clarity and consistency in managing land use, but its implementation must align with community preferences and needs.	Explore zoning in areas where it is supported to respond to land use issues while ensuring flexibility for communities that prefer to remain un-zoned.
<i>Use of Resources and Administrative Efficiency</i>	Concerns about high administrative workload, limited staff capacity, and time-intensive planning processes were raised.	Planning processes require significant staff time and resources, leading to negative impact on administrative efficiencies and reducing responsiveness	Refine planning framework to better reflect needs as well as staff capacity. Provide training and explore funding mechanisms to optimize resource use.

<i>Public Engagement and Communication</i>	Directors highlighted the need for effective community engagement but noted challenges in ensuring broad participation.	Structured communication and engagement processes are needed to enhance public trust and participation.	Provide best practices for public engagement strategies with accessible communication tools and inclusive participation methods.
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What We Propose

Building on the insights gathered from the workshops, the following recommendations outline a structured approach to aligning OCPs, modernizing zoning regulations, and exploring regional planning.

The February and December 2024 workshops provided valuable insights into the challenges and opportunities of community planning in the RDCK. Based on these discussions, two key approaches are identified to support long-term planning efforts:

- **Approach 1: OCP and Zoning Alignment** – Exploring ways to consolidate OCPs and zoning regulations to improve consistency and efficiency.
- **Approach 2: Status Quo with Incremental Adjustments** – Maintaining the existing work plan while making targeted updates where needed.

These options provide different pathways for improving planning processes while ensuring that community needs remain central.

Summary

The workshops provided valuable insights into planning challenges and opportunities, highlighting key areas where support can be provided. Discussions revealed differing perspectives on local and regional planning, zoning, resource allocation, and public engagement, emphasizing the need for clearer planning framework to bolster efficiency.



An aerial photograph of a large, calm lake surrounded by dense evergreen forests and snow-capped mountains. A small town is visible on the right side of the lake, nestled in a valley. The sky is clear and blue.

Planning Insights

RDCK Planning Service



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Near Term Projects

Near Term Projects

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Flood Hazard
Policy and
Regulations
Review

Subdivision
Servicing Bylaw
Review

Regional and
Local
Community
Needs

Local
Government
Housing
Initiatives -
Official
community plan
(OCP)
Amendments



Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
Review of Area I OCP Currently in its final phase, this project includes updating OCP GIS web mapping, seeking RDCK Board consideration for Development Permit Area (DPA) implementation, and preparing a zoning amendment bylaw to incorporate Area I DPAs.	May - 2025	RDCK S104 Planning Services	RDCK S104 Planning Services	I

Area I - Sentinel Mountain OCP Review

Development Permit Area Enforcement Framework

Flood Hazard Policy and Regulations Review

Subdivision Servicing Bylaw Review

Regional and Local Community Needs

Local Government Housing Initiatives - Official community plan (OCP) Amendments



Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
This project responds to the rise in unauthorized activities within Environmental Development Permit Areas by strengthening enforcement mechanisms and improving compliance with environmental DPA requirements.	Nov - 2025	RDCK S104 Planning Services	RDCK S104 Planning Services	A, G, and H

Area I - Sentinel Mountain OCP Review	Development Permit Area Enforcement Framework	Flood Hazard Policy and Regulations Review	Subdivision Servicing Bylaw Review	Regional and Local Community Needs	Local Government Housing Initiatives - Official community plan (OCP) Amendments
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Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
This project aims to update and align the RDCK and Village of Salmo's flood-related policies and Floodplain Management Bylaws with the National Disaster Mitigation Program (NDMP) initiatives that have been ongoing since 2018.	July-2026	\$194,000 - Consulting Costs appx. \$20,000 - RDCK Costs for Project Management	Grant funding for consulting costs In-kind contribution for RDCK project management costs	All RDCK Electoral Areas and Salmo

Area I - Sentinel Mountain OCP Review

Development Permit Area Enforcement Framework

Flood Hazard Policy and Regulations Review

Subdivision Servicing Bylaw Review

Regional and Local Community Needs

Local Government Housing Initiatives - Official community plan (OCP) Amendments



Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
This project involves reviewing and updating servicing requirements for newly created lots prior to subdivision, ensuring alignment with recent provincial legislative changes and appropriate use of local government authorities.	July-2026	\$100,000	Local Government Housing Initiatives Capacity Funding RDCK staff costs eligible	All RDCK Electoral Areas

Area I - Sentinel Mountain OCP Review

Development Permit Area Enforcement Framework

Flood Hazard Policy and Regulations Review

Subdivision Servicing Bylaw Review

Regional and Local Community Needs

Local Government Housing Initiatives - Official community plan (OCP) Amendments



Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
This project uses the Complete Communities Guide to support land use management by building a shared understanding of future needs—such as servicing capacity—and fostering a regional framework for coordinated discussions on development.	Dec - 2025	\$300,000	UBCM	All RDCK Electoral Areas and Municipal partners including Castlegar, Creston, Kaslo, Nakusp, Nelson, Salmo and Slocan.

Area I - Sentinel Mountain OCP Review

Development Permit Area Enforcement Framework

Flood Hazard Policy and Regulations Review

Subdivision Servicing Bylaw Review

Regional and Local Community Needs

Local Government Housing Initiatives - Official community plan (OCP) Amendments



Near Term Projects

Project Description	Anticipated Date of Completion	Project Budget	Budget Source(s)	Electoral area(s)
To implement the requirements of Provincial Bill 44 (Housing Statutes Amendment Act), the RDCK has permitted accessory dwelling units in all single-family residential zones. Funding is being utilized to amend the Official Community Plans of affected Electoral Areas to ensure alignment with updated zoning regulations.	Dec - 2025	\$35,000	Local Government Housing Initiatives Capacity Funding RDCK staff costs eligible	A, B, C, D, F, G, J, and K

Area I - Sentinel Mountain OCP Review

Development Permit Area Enforcement Framework

Flood Hazard Policy and Regulations Review

Subdivision Servicing Bylaw Review

Regional and Local Community Needs

Local Government Housing Initiatives - Official community plan (OCP) Amendments



Near Term Projects





Remaining Project Items

Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ This project will develop a standalone Official Community Plan (OCP) for Area J.
- ❖ It could begin following the completion of the Area I OCP but is part of ongoing work plan prioritization discussions with the Board.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP
Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ This project involves the review of the Area H North Official Community Plan, with the potential to include implementation through zoning.
- ❖ Public meetings were last held in New Denver and Hills in April and May 2022; further direction on the outcome of the Board's work plan prioritization is pending .

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

**Playmor Junction
Zoning Bylaw**

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ In February 2020, the Board directed staff to explore zoning for the Playmor Junction area.
- ❖ The project was paused at the request of the Area Director and is expected to resume following clarification of scope and timing as part of ongoing work plan prioritization with the Board.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community
Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ This project builds on 2022 virtual land use planning discussions held across Area D.
- ❖ As per Resolution 149/22, the next phase focuses on the Kaslo Corridor, Woodbury, Schroeder Creek, Mirror Lake (including Amundsen Road), the Allen Subdivision, and other interested communities.
- ❖ Further Board direction is required to prioritize this work within the Planning Services work plan.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community
Planning

Housing Development and
Costing Study

- ❖ In 2022, through Resolution 363/22, the Board directed staff to advance the next phase of community consultation in Area E, following the earlier “Open Houses on Land Use Planning” project.
- ❖ This phase focuses on unincorporated communities with strong interest in land use planning, specifically Redfish Creek to Liard Creek (including Grandview), Longbeach, Harrop, and Procter.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

**Housing Development
and Costing Study**

- ❖ In response to the urgent need for non-market housing, the Board directed staff to develop a cost assessment and study identifying land development requirements and suitable RDCK-owned lands that can be acquired, converted, or disposed of for housing purposes.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ This project was initiated through the Kootenay Lake Partnership to strengthen environmental protection using the RDCK's Development Permit Area (DPA) authority under the Local Government Act.
- ❖ In July 2023, the Board directed staff to not amend any bylaws at this time, but that the Environmental Development Permit Areas amendments be addressed within the community planning process for each Area in the future

Kootenay Lake
Watercourse DPA Project

Campground Bylaw Review

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ The Campground Bylaw Review explores regulatory options for park model trailers and multi-RV site developments, especially in unzoned areas with shared interest ownership.
- ❖ Work is currently paused due to other Board-directed priorities.

Kootenay Lake Watercourse
DPA Project

**Campground Bylaw
Review**

Agricultural Policy Review –
Phase 2



Remaining Project Items

Area J OCP Review

Area H North OCP Review

Playmor Junction Zoning
Bylaw

Area D Community Planning

Area E Community Planning

Housing Development and
Costing Study

- ❖ This phase builds on previous updates made in response to provincial legislative changes, focusing on recent amendments to the Agricultural Land Reserve Act and Regulations, including provisions for additional residences.
- ❖ Bylaw changes for Areas A, B, and C were adopted in fall 2023, and for Areas F, I, J, and K in July 2023.
- ❖ Updates for Areas D, E, G, and H remain pending, with the project currently on hold awaiting Board direction on work plan prioritization.

Kootenay Lake Watercourse
DPA Project

Campground Bylaw Review

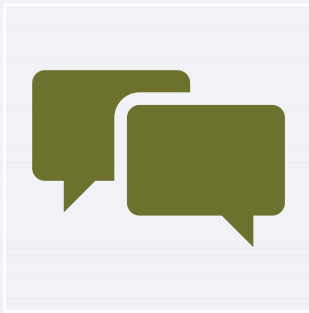
Agricultural Policy
Review – Phase 2





Next Steps

Next Steps



Electoral Area Directors could be further engaged to refine priorities and identify preferred planning approaches.



Recommendations from the Planning Insights report will be further elaborated.



Updated work plan for planning services to be developed based on direction received. Work plan may return to the Board for review or endorsement.



Thank You!

Short Term Rentals Permitted?							
<i>This list only applies to non-commercially zoned properties</i>							
Electoral Area	STR permitted in main residence?	STR permitted in secondary suite?	STR permitted in accessory dwelling?	STR permitted in RV? (or vehicle?)	STR permitted in tents?	Permitted as principal use?	Permitted as accessory use?
A	No	Only in R2, R3, R4 (subject to restrictions in zones)	Only in R2, R3, R4 (subject to restrictions in zones)	Only in R2, R3, R4 (subject to restrictions in zones)	No	No	Yes
B	No	No	No	No	No	No	No
C	No	No	No	No	No	No	No
D	Only in R1, R2, R3 (subject to restrictions in general regs)	No	No	No	No	No	Yes
F	No	No	No	No	No	No	No
G	No	No	No	No	No	No	No
I	No	No	No	No	No	No	No
J	No	No	No	No	No	No	No
K	Only in R7 zone	No	No	No	No	Only in R7 zone	No

RDCK Planning Services Work Plan—not started or on hold

Project Name	Date Assigned	Board Notes	Status
Campground Bylaw Review	19-04-2018	Initiative began to investigate regulatory options for park model trailers within the RDCK, but has expanded to consider ways to better regulate developments where multiple RV sites are created. This is especially relevant in the proliferation of shared interest Developments in unzoned areas where there is concern for health and safety of these developments. Resolution 36/20 establishes policy regarding CSA Z241 Park Model Trailers.	Not started
Agricultural Policy Review - Phase 2	25-03-2019	Project follows previous agriculture policy changes implemented to address regulatory changes in Provincial legislation. This phase focuses on recent changes to the Agricultural Land Reserve Act and Regulations such as those affecting additional residences on ALR land, for example. Changes made to bylaws for Areas A, B, and C adopted in fall 2023. OCP and zoning amendment bylaws for Areas F, I, J, K were adopted at the July 2023 Board meeting. Consideration of agricultural policy changes for Areas D, E, G, H yet to come.	On hold
Playmor Junction Zoning Bylaw	20-02-2020	In February 2020 the Board passed resolution 121/20, which directs staff to include the development of a zoning bylaw for Playmor Junction Area to their work plan. Subsequent direction from the Director was to suspend further work on the project until early 2023.	Not started
Kootenay Lake Watercourse DPA Project	16-04-2020	Project initiated from discussions at the Kootenay Lake Partnership table, recognizing that the RDCK has development permit authorities under the Local Government Act that are not being fully utilized to protect sensitive habitat around Kootenay Lake. July 2023 Board meeting resolution: "That the Board direct staff to refer drafting bylaw amendments for Environmental Development Permit Areas for Electoral Areas A, D, E and F and that the Environmental Development Permit Areas amendments be addressed within the community planning process for each Area".	On hold

Area H North OCP Review	16-04-2020	In April 2020, the Board passed resolution 279/20, which directs staff to include the review of the Area H North Official Community Plan, with the potential of having a Comprehensive Land Use bylaw, in their work plan. April/May 2022 - Staff completed open houses in New Denver and Hills.	Not started
Area J OCP Review	07-07-2021	Area J to have its own OCP. Project is in the queue for after the completion of Area I's OCP.	Not started
Area D Community Planning	17-02-2022	Project follows up on completed work in 2022 wherein land use planning discussions held (virtually) for most communities in Area D. Feb 2022 Resolution 149/22 directed staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen subdivision, and other communities interested in zoning.	Not started
Area E Community Planning	19-05-2022	In 2022 through resolution 363/22 the Board directed staff to continue the next phase of community consultation for Area E as a follow up to the "Open Houses on Land Use Planning" Project completed earlier in the year. This work would be focused where survey results indicated that there is strong interest in pursuing land use planning or more information about land use planning was desired, with a specific focus on the following unincorporated communities: Redfish Creek to Liard Creek (Including Grandview); Longbeach; Harrop; and Proctor.	Not started
Housing Development and Costing Study	15-02-2024	110/24 WHEREAS, the RDCK recognizes the urgent need for non-market housing options to support the well-being and stability of our communities for all residents and there exists an opportunity to utilize available land and resources within the RDCK to develop non-market housing; BE IT RESOLVED THAT The RDCK Board hereby directs staff to develop a cost assessment and study outlining the requirements for land development for housing and report on suitable land and resources within the RDCK that can be acquired, converted, and disposed of for the purposes of developing housing.	Not started

Wildfire Development Permit Areas	5-07-2023	Board resolution: That the Board direct staff to draft bylaw amendments to pursue "Option B" - phased and Director led implementation of Wildfire Development Permit Areas in the Regional District of Central Kootenay's Electoral Area Official Community Plans, as described in the Staff Report "WILDFIRE DEVELOPMENT PERMIT AREA PROJECT-IMPLEMENTATION", dated July 5, 2023	Completed for Area I and not started in other EA's
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Official Community Plans – Dates Adopted and Last Updated

Electoral Area	OCP First Created	OCP Last Updated	Comments	Resolution Directing Forthcoming Review
A	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2315)	In 1980 was an “Official Settlement Plan”, superseded by OCP (Bylaw 674) in 1989 and updated periodically thereafter	N/A
B	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2316)	(see comment above)	N/A
C	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2317)	(see comment above)	N/A
D	April 29, 2010 (Bylaw 1996)	February 18, 2016 (Bylaw 2435) ⁱ	First OCP for large portion of Area ‘D’ created in 2010; “Ainsworth Rural Land Use Bylaw” was already in place (1997)	Resolution 149/22 directed staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen subdivision, and other communities interested in zoning.
E	May 16, 2013 (Bylaw 2260)	N/A		Resolution 363/22 the Board directed staff to continue the next phase of community consultation for Area E as a follow up to the “Open Houses on Land Use Planning” Project completed earlier in the year. This work would be focused where survey results indicated that there is strong interest in pursuing land use planning or more Information about land use planning was desired, with a specific focus on the following unincorporated communities: Redfish Creek to Liard Creek (Including Grandview); Longbeach; Harrop; and Proctor.

Electoral Area	OCP First Created	OCP Last Updated	Comments	Resolution Directing Forthcoming Review
F	August 12, 1993 (Bylaw 951)	January 19, 2012 (Bylaw 2214)	In 1993 was a "Rural Land Use Bylaw", superseded by current OCP	N/A
G	February 21, 1998 (Bylaw 1266)	September 20, 2018 (Bylaw 2452)	In 1998 was "North Area G Rural Land Use Bylaw", superseded by "Area G Rural Land Use Bylaw" in 1999	N/A
H	September 24, 2009 (Bylaw 1967)	N/A		Resolution 279/20, which directs staff to include the review of the Area H North Official Community Plan, with the potential of having a Comprehensive Land Use bylaw, in their work plan.
				In February 2020 the Board passed resolution 121/20, which directs staff to include the development of a zoning bylaw for Playmor Junction Area to their work plan. .
I	August 27, 1983 (Bylaw 398)	March 20, 2025 (Bylaw 2821)	In 1983 there was a Castlegar Fringe Settlement Plan", which was superseded by current OCP	Previous update in 1996
J	August 27, 1983 (Bylaw 398)	April 27, 1996 (Bylaw 1157)	In 1983 there was a "Castlegar Fringe Settlement Plan", which was superseded by current OCP	
K	January 13, 1997 (Bylaw 1248)	November 11, 2009 (Bylaw 2022)		N/A

ⁱ 2016 Area 'D' update was primarily to review Ainsworth Rural Land Use Bylaw and incorporate it into the current Comprehensive Land Use Bylaw. Only minor amendments were made to the content of the OCP. Consequently, 2010 would be a more accurate date to note when the OCP was last updated in a substantive way.



Committee Report

Date of Report: April 17, 2025
Date & Type of Meeting: May 14, 2025 Rural Affairs Committee
Author: Ashley Grant, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK –
ARCHITECTURAL ASSESSMENT
File: 1850-20-CW-318
Electoral Area/Municipality A,B,C,D,E,F,G,H,I,J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled “RDCK-Architectural Assessment” in the total amount of \$652,400.00 and that funds be disbursed from Community Works Funds:

Electoral Area A in the amount of \$52,500.00
Electoral Area B in the amount of \$70,000.00
Electoral Area C in the amount of \$17,500.00
Electoral Area D in the amount of \$35,000.00
Electoral Area E in the amount of \$105,000.00
Electoral Area F in the amount of \$70,000.00
Electoral Area G in the amount of \$35,000.00
Electoral Area H in the amount of \$127,400.00
Electoral Area I in the amount of \$70,000.00
Electoral Area J in the amount of \$70,000.00

SECTION 2: BACKGROUND/ANALYSIS

The Fire Service within the RDCK oversees fire protection across 18 separate service areas. The project is part of RDCK's plan to upgrade fire hall infrastructure throughout the region to ensure that fire halls remain fully capable of serving their local communities effectively.

In 2022, the Board approved the installation of vehicle exhaust extraction systems in the bays of 17 fire halls to reduce particulate accumulation and associated health hazards. During the permitting process for this project, structural assessments were completed which revealed that these fire halls were likely not in compliance with the BC Building Code (BCBC), requiring remediation before the exhaust systems could be completed. Since fire halls are classified as 'post-disaster' buildings under the BCBC, an architect's involvement is required to address the necessary upgrades.

This project will include architectural assessments at all 17 fire halls slated to receive new vehicle exhaust extraction system, plus an additional 2 fire halls to ensure consistent baseline data is available across all RDCK fire hall facilities. The project deliverables will include a comprehensive final report outlining a clear plan to

address and remediate the identified regulatory non-compliances, ensuring that all fire halls meet the required standards for both safety and functionality. Funding sources for this required remediation work will be identified at a later date, once the scope and valued of the work has been determined.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: ☒ Yes ☐ No Financial Plan Amendment: ☐ Yes ☒ No
Debt Bylaw Required: ☐ Yes ☒ No Public/Gov't Approvals Required: ☒ Yes ☐ No

This application is the responsibility of Area A,B,C,D,E,F,G,H,I,J. Area K is the only area without a fire hall. The Directors are supportive of the application. Should this project be funded, the respective areas will have the following Community Works Funds remaining:

Area A: \$17,376.34
Area B: \$652,474.93
Area C: \$85,023.37
Area D: \$165,186.19
Area E: \$421,316.50
Area F: \$153,253.60
Area G: **-\$197,096.85**
Area H: \$1,196,561.35
Area I: \$799,805.10
Area J: \$41,029.94

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Community Works (formerly Gas Tax) funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the broad program category of "Fire Halls and Fire Stations"

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria.

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board’s strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK-Architectural Assessment in the amount of \$652,400.00 be approved and that funds be disbursed from Community Works Funds allocated from Electoral Areas A,B,C,D,E,F,G,H,I,J to the relevant RDCK Fire Service.

Respectfully submitted,

Ashley Grant, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike
Morrison Chief Administrative Officer – Stuart Horn

Approved

Approved

ATTACHMENTS:

Attachment A – Community Works Fund Application – RDCK-Architectural Assessment



Regional District of Central Kootenay

Attachment A

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"		Fire Hall Architectural Assessments	
Date of Application		2025/05/01	
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	202 Lakeside Dr		
City, Prov. Postal	Nelson, BC, V1L 6B9		
Phone No.	250 551 7367	Fax No.	N/A
Organization's Email	JBradley@rdck.bc.ca		
Name of Contact	Jeannine Bradley	Contact's Email	JBradley@rdck.bc.ca
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
See Appendix B		See Appendix B	\$ 652,400.00
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2025/06/01		2025/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)		See Appendix B	
Registered Owners of Land(s)		Regional District of Central Kootenay	
Crown Land Tenure/License No./Permit No.(s)		N/A	
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?		☒ Yes ☐ No	
Have you applied and received a building permit?		☒ Yes, Permit No. <u>See Appendix B</u> ☐ No	
If No, please explain: Some permits are currently active; however building permits are not required for this phase of work.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

The Fire Service within the RDCK oversees fire protection across 18 separate service areas. The project is part of RDCK's plan to upgrade fire hall infrastructure throughout the region to ensure that fire halls remain fully capable of serving their local communities effectively.

In 2022, the Board approved the installation of vehicle exhaust extraction systems in the bays of 17 fire halls to reduce particulate accumulation and associated health hazards. During the permitting process for this project, structural assessments were completed which revealed that these fire halls were likely not in compliance with the BC Building Code (BCBC), requiring remediation before the exhaust systems could be completed. Since fire halls are classified as 'post-disaster' buildings under the BCBC, an architect's involvement is required to address the necessary upgrades.

This project will include architectural assessments at all 17 fire halls slated to receive new vehicle exhaust extraction system, plus an additional 2 fire halls to ensure consistent baseline data is available across all RDCK fire hall facilities. The project deliverables will include a comprehensive final report outlining a clear plan to address and remediate the identified regulatory non-compliances, ensuring that all fire halls meet the required standards for both safety and functionality. Funding sources for this required remediation work will be identified at a later date, once the scope and valued of the work has been determined.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

A breakdown of requested Community Work Fund per fire hall and area is outlined in Appendix C.

The requested Community Works Fund will cover:

- Architectural assessment consulting fees;
- Additional destructive testing by contractor;
- Project management fees;
- Contingency.

Administration costs related to the Community Work Fund application will be covered by service funds.

This project is endorsed by the board per Board Resolution IC75/24 and 725/24. The project costs and funding are identified within the 2025 Financial Plan.

Procurement for the architectural assessment services will commence immediately upon approval of funding, with the aim to complete all assessments within 2025.

(If needed, please provide additional information on separate page)

1.2 Project Impact

By addressing the existing structural non-compliances, the project takes steps to ensure that fire halls remain safe, compliant with building codes, and capable of effectively serving their local areas.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Outcomes include:

- Completion of architectural assessments for 19 RDCK fire halls, ensuring consistent baseline data is available at these facilities.
- Identification of structural issues and non-compliances with the BC Building Code.
- Development of pathway to remediate identified non-compliances, and close outstanding building permits.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project team includes:

Tristan Fehst, Regional Fire Chief
 Grant Hume, Regional Deputy Fire Chief
 Jeannine Bradley- Project Manager, RDCK
 RDCK Fire Department Chiefs

(If needed, please provide additional information on separate page)

2.0 Project Budget

List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

Project Revenue

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
Architectural Assessments	Community Work Fund	\$ 652,400.00
Architectural Assessments	Village of Slocan	\$ 12,600.00
CWF administration	S128 Fire Protection-Area A (Riondel)	\$ 100.00
CWF administration	S129 Fire Protection-Areas A and C (Wynndel, La	\$ 100.00
CWF administration	S130 Fire Protection-Area B (Canyon Lister)	\$ 100.00
CWF administration	S134 Fire Protection - Area F (North Shore)	\$ 100.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 665,400.00

Project Expenses

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Riondel - Architectural Assessment	Consulting, testing, administration, project manag	\$ 35,100.00
Wynndel - Architectural Assessment	Consulting, testing, administration, project manag	\$ 35,100.00
Canyon Lister - Architectural Assessment	Consulting, testing, administration, project manag	\$ 35,100.00
North Shore - Architectural Assessment	Consulting, testing, administration, project manag	\$ 35,100.00
Ymir - Architectural Assessment	Consulting, testing, administration, project manag	\$ 35,100.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 175,500.00

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
CWF administration	S136 Fire Protection – Area G (Ymir)	\$ 100.00
CWF administration	S137 Fire Protection-Area I (Tarrys, Pass Creek)	\$ 200.00
CWF administration	S138 Fire Protection-Area J (Robson, Raspberry)	\$ 100.00
CWF administration	S141 Fire Protection-Area E (Balfour, Harrop)	\$ 200.00
CWF administration	S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 400.00
CWF administration	S144 Fire Protection-Areas E and F (Beasley, Blewett)	\$ 200.00
CWF administration	S145 Fire Protection – Area J (Ootischenia)	\$ 100.00
CWF administration	S148 Fire Protection – Area B (Yahk, Kingsgate)	\$ 100.00
CWF administration	S280 Fire Protection – Area D (Kaslo)	\$ 100.00
	Total Project Revenue	\$ 666,900.00
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
Tarrys - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Pass Creek - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Robson - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Balfour - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Harrop - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Crescent Valley - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Passmore - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Slocan - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Winlaw - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Beasley - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Blewett - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Ootischenia - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Yahk - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
Kaslo - Architectural Assessment	Consulting, testing, administration, project management	\$ 35,100.00
		\$
		\$
	Total Project Expenses	\$ 666,900.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume	2025/05/01

APPENDIX B - Site Specific Information

Fire Hall	Name of Director	Area(s)/ Municipality	Legal Description of Land(s)	Building Permit No.
Balfour	Cheryl Graham	E	Lot 1, DL 337, KD, Plan NEP64802	BP027668
Beasley	Tom Newell	F	Lot A, DL 5082, KD, Plan NEP17257	BP027720
Blewett	Cheryl Graham	E	Lot 1, DL 6306, KD, Plan NEP19485	BP027722
Canyon Lister	Roger Tierney	B	Lot A, DL 812, KD, Plan EPP78263	BP027723
Crescent Valley	Walter Popoff	H	Lot A, DL 303, KD, Plan NEP17586	BP027724
Harrop	Cheryl Graham	E	Lot A, DL 7364, KD, Plan NEP17526	BP027689
Kaslo	Aimee Watson	D	Lot A, DL 209A, KD, Plan EPP32990	N/A
North Shore	Tom Newell	F	Parcel A, Lot 41, DL 787, Plan EEP78000 (Ref Plan 43898D)	BP027690
Ootishenia	Henny Hannegraaf	J	Lot A, DL 4598, KD, Plan EPP78088	BP027725
Pass Creek	Andy Davidoff	I	Lot A, DL 7246, KD	BP027727
Passmore	Walter Popoff	H	Lot A, DL 4812, KD, Plan NEP17802	BP027726
Riondel	Garry Jackman	A	Lot 8, DL 461, KD, Plan NEP8655	BP027737
Robson	Henny Hannegraaf	J	Block 3, DL 301A, KD, Plan NEP1197	BP027728
Slocan	Walter Popoff	H	Lot 3, DL 395, KD, Plan NEP76640	BP027730
Tarrys	Andy Davidoff	I	Block 39, DL 3464, KD, Plan NEP949	N/A
Winlaw	Walter Popoff	H	Block 39, DL 3464, KD, Plan NEP949	BP027731
Wynndel	Garry Jackman Kelly Vandenberghe	A, C	Lot B, DL 191, KD, Plan NEP14389	BP027732
Yahk	Roger Tierney	B	Lot 5, DL 10093, KD, Plan NEP1215	BP027734
Ymir	Hans Cunningham	G	Lot 6, Block 18, DL 1242, KD, Plan NEP640	BP027733

APPENDIX C - Community Work Fund Request Breakdown

Summary by fire hall:

Fire Hall	Area(s)/ Municipality	Service	Amount Requested
Balfour	E	S141 Fire Protection-Area E (Balfour, Harrop)	\$ 35,000.00
Beasley	F	S144 Fire Protection-Areas E and F (Beasley, Blewett)	\$ 35,000.00
Blewett	E	S144 Fire Protection-Areas E and F (Beasley, Blewett)	\$ 35,000.00
Canyon Lister	B	S130 Fire Protection-Area B (Canyon Lister)	\$ 35,000.00
Crescent Valley	H	S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 31,850.00
Harrop	E	S141 Fire Protection-Area E (Balfour, Harrop)	\$ 35,000.00
Kaslo	D	S280 Fire Protection – Area D (Kaslo)	\$ 35,000.00
North Shore	F	S134 Fire Protection - Area F (North Shore)	\$ 35,000.00
Ootishenia	J	S145 Fire Protection – Area J (Ootischenia)	\$ 35,000.00
Pass Creek	I	S137 Fire Protection-Area I (Tarrys, Pass Creek)	\$ 35,000.00
Passmore	H	S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 31,850.00
Riondel	A	S128 Fire Protection-Area A (Riondel)	\$ 35,000.00
Robson	J	S138 Fire Protection-Area J (Robson, Raspberry)	\$ 35,000.00
Slocan	H	S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 31,850.00
Tarrys	I	S137 Fire Protection-Area I (Tarrys, Pass Creek)	\$ 35,000.00
Winlaw	H	S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 31,850.00
Wynndel	A	S129 Fire Protection-Areas A and C (Wynndel, Lakeview)	\$ 22,476.00
	C	S129 Fire Protection-Areas A and C (Wynndel, Lakeview)	\$ 12,524.00
Yahk	B	S148 Fire Protection – Area B (Yahk, Kingsgate)	\$ 35,000.00
Ymir	G	S136 Fire Protection – Area G (Ymir)	\$ 35,000.00
Total			\$ 652,400.00

Summary by service:

Service	Amount Requested
S128 Fire Protection-Area A (Riondel)	\$ 35,000.00
S129 Fire Protection-Areas A and C (Wynndel, Lakeview)	\$ 35,000.00
S130 Fire Protection-Area B (Canyon Lister)	\$ 35,000.00
S141 Fire Protection-Area E (Balfour, Harrop)	\$ 70,000.00
S144 Fire Protection-Areas E and F (Beasley, Blewett)	\$ 70,000.00
S134 Fire Protection - Area F (North Shore)	\$ 35,000.00
S136 Fire Protection – Area G (Ymir)	\$ 35,000.00
S142 Fire Protection-Areas H and I (Slocan Valley)	\$ 127,400.00
S137 Fire Protection-Area I (Tarrys, Pass Creek)	\$ 70,000.00
S145 Fire Protection – Area J (Ootischenia)	\$ 35,000.00
S138 Fire Protection-Area J (Robson, Raspberry)	\$ 35,000.00
S148 Fire Protection – Area B (Yahk, Kingsgate)	\$ 35,000.00
S280 Fire Protection – Area D (Kaslo)	\$ 35,000.00
Total	\$ 652,400.00